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NATIONAL MUNICIPAL REVIEW

1912

Editor

CLINTON ROGERS WOODRUFF

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VOLUME I

PUBLISHED FOR THE
NATIONAL MUNICIPAL LEAGUE
BY
WILLIAMS & WILKINS COMPANY
BALTIMORE
1912

71629

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SALUTATION

IN PRESENTING the NATIONAL MUNICIPAL REVIEW to its members and to publicists, officials and students of municipal affairs generally, the National Municipal League does so in response to a long continued and widely expressed desire for a thoughtful discussion of city problems and a careful chronicle of municipal events. While the proceedings and activities of the League will be fully reported, the REVIEW will be in no sense of the word an organ of the League, or of any other organization. It will aim to present fairly and impartially the municipal programs of all parties and all organizations and to have technical matters treated by qualified experts. Believing, with Bernard Shaw, that "man lives not by tramway statistics alone," neither by political machinery alone the editors will accord full treatment to municipal functions and welfare enterprises, as well as to ballot laws, charters and bureaus of municipal research. They approach their task profoundly convinced that "the American city must be a city where the people diligently mind their own business and the public business, and do both with a decent regard to the judgments and rights of others; a city where all men are not brought to the measure of one man's mind, or to the heel of one man's will; a city where citizens are true and brave and generous and care for their own."

If the NATIONAL MUNICIPAL REVIEW with the coöperation of the National Municipal League can help the American people to realize these things, it will amply fulfill the aims and aspirations of the editors and of the League which has made the REVIEW possible and will justify its entrance into the field of periodical literature.

THE EDITORS.

AMERICAN MUNICIPAL TENDENCIES¹

BY CLINTON ROGERS WOODRUFF

FOR seventeen years it has been my interesting annual duty to summarize important municipal happenings, to comment on their significance and to correlate them with the modern municipal movement. The first review (that at Cleveland in 1895) occupied eight and one-half pages of the *Proceedings*; the last, (that at Buffalo in 1910) required eighty-two pages. The increase of interest and activity in other directions has been equally great; and therefore during the year just closed it has been necessary for the National Municipal League to establish a new policy to meet changed and changing conditions. To this end, the NATIONAL MUNICIPAL REVIEW has been established. This publication will take the place of the annual volume of *Proceedings*, at the same time affording a more adequate opportunity for the recording and interpretation of important events. The Secretary's review will hereafter deal largely with comment, and only incidentally with facts. These will be recorded in the *Review* as they occur.

During the seventeen years of the League's activities, the most important tendency to be noted has been that toward an expansion of municipal functions, and a simplification of municipal machinery. This latter tendency has been most marked in the matter of charter revision. Each year has seen a marked increase of interest in the number of efforts to eliminate the complexities of the older charters. The movement for the establishment of commission governments in American cities owes a large part of its success (which has been as marked during 1911 as in any previous year) to the fact that it is a simple form of government, easily understood, and because it provides the short ballot and a simplified form of nomination and election.

Even in those charters which can not properly be classed as commission or semi-commission government, the same tendency is to be observed, notably in the new charters of Boston, Pittsburgh, Seattle and Los Angeles. In each of these, a small council, (nine in number) elected at large, takes the place of cumbersome legislative bodies, in some instances of two legislative bodies. The elimination of party designations and the provision for a simple form of nomination have also been chief characteristics.

Another significant feature has been the fact that in so many instances the people of a community are given the opportunity of saying whether or not they wish that particular form to be adopted; in other words, hand in hand with the simplification of form and machinery, has gone an increasing

¹ Annual review of the Secretary of the National Municipal League delivered at Richmond, November 14, 1911.

tendency towards municipal home rule, and a very considerable strengthening of the self-governing instinct and a very marked increase in the interest of the people in their local affairs.

It is unnecessary, in addressing a body like the National Municipal League, to disclaim any thought that the commission form or any form of government is in itself a panacea for municipal ills. At the same time it must be conceded that the introduction of the commission form has been accompanied by very material improvement in municipal administration in those communities where the experiment is being tried. This improvement has been most marked in the matter of finances, (which are sadly in need of attention in all American municipalities), and of certain public functions like the care and maintenance of the streets. There has also been a marked improvement in the supervision and management of municipal utilities, whether run directly by the city or by private concerns. The explanation for this lies in the fact that the responsibility is concentrated upon officials who have adequate authority to produce results, and who know that in the eye of the people they are responsible.

Bureaus of municipal research speak with aptness and propriety of the necessity of a "mayor's eye" which shall be all-seeing and far-seeing, and which shall be directed to all phases of municipal administration. Highly important though the "mayor's eye" is, still more important has been the "public eye," which has gained in strength and clarity with the growth of a sound educated public opinion in municipal affairs.

In no one field has this "public eye" been more conspicuously developed than in the matter of municipal utilities franchises. When the League first began the agitation for a more rigid enforcement of franchise laws and demanded a more adequate supervision of them in the interests of the whole people, there was very little interest manifested. The suggestion that franchises should be granted for short terms, with increased power of supervision in the hands of the city authorities, received scant public support. Thanks to the very active agitation which has been carried on in the intervening period, the insistence on long-time franchises no longer prevails; and we find corporations, civic organizations and public officials uniting for the drafting of franchise ordinances that will at one and the same time serve the ends of the public, guarantee a safe return on a reasonable valuation of the investment, and subserve the convenience of the users of the utility.

While it is quite true (as the governor of Wisconsin pointed out in a recent address) that the public interest has always in the eye of the law justified regulation in behalf of the people as a whole, nevertheless the tendency for many years was to disregard the public and its interests, on the principle that it had no rights which a corporation was bound to respect. A change is coming over the public officials, who more and more regard

themselves as *public* officials, and, as such, public stewards; and a change is being manifested on the part of the managers of the corporations, who no longer strive to see how little they can give the utility using public in exchange for the rates which they pay.

Some idea of the growth of the movement for an adequate supervision of franchises in the interests of the public, may be gathered from the fact that today there are fourteen cities with utility commissions possessing regulatory powers over organizations supplying electric, gas, transportation, telephone and water service. Five years ago there were only two states that had such commissions—Massachusetts and New York. Twenty-seven states now have commissions exercising a control of varied degree over one or more classes of utilities, steam railroads included. These figures indicate in a marked manner the trend of legislation. It is apparent, as a well-known utilities expert² recently pointed out, that regulation of public utilities “has emerged from the domain of discussion and experiment into accepted practice.”

I can best put the new attitude toward franchises by quoting from a recent letter from Stiles P. Jones, of the Minneapolis Voters' League. Mr. Jones has been in the forefront of the franchise fight in that community, and speaks out of long experience, deep convictions, and sincere devotion to public interests. He puts the situation thus:

The more interested and better informed along franchise lines are realizing more strongly all the time the importance of franchises in directing the political life and the municipal development of a community. People are understanding that the public service companies are powerful in forming political opinion, and in shaping the community life along political lines. I think the public here is convinced that the following essentials of a public service franchise must be maintained in all future contracts:

Short term franchises—twenty-five years or less—with possibly the acceptance of the Wisconsin idea of indeterminate franchises eventually, but not until the public is better educated along this line, and state political conditions are bettered.

The necessity of guarding all franchises by rigorous regulation to prevent undue exploitation of the community and abuses and extravagances of management. The need of a provision giving the city the right to purchase on reasonable notice as a means of preventing abuses of management, overcharges and pernicious political activity.

The necessity of thorough-going publicity of the affairs of all public service companies.

The necessity of some form of municipal supervision of the relations of the company to its employes, both as to wages and hours of service.

The necessity of frequent revision of rates of service in the case of gas and electric lighting utilities.

An insistence that the public service companies shall bear their full share of the burden of local taxation.

² Arthur S. Huey, of H. M. Byllesby and Company.

The necessity of a definitely understood valuation of the properties of all public service companies, for the purpose of securing fair taxation, as a factor in rate making, and as a basis for proper valuation in the event of purchase by the city.

The necessity of public supervision of the relation of the companies to their patrons in the matter of extensions of service and other details of management.

The necessity of public supervision of bond and stock issues as a means of protecting the public against overcapitalization.

The growth of public functions has of necessity made for the establishment of the merit system. Naturally, the politicians fight, with all the resources at their command, every proposed extension of the idea, as they realize that when the monopoly of office and the monopoly of nomination are taken from their control, no small part of their power and influence will be destroyed. The growth of municipal functions, however, has been so rapid as to necessitate departures from the old spoils system and the selection of men because of their ability to discharge the increasingly difficult and numerous functions of municipal life. So we find the civil service movement growing, and developing throughout the country; and, where it has been longest established, we find efforts made to improve its efficiency.

Unquestionably, the most important happening in this field during 1911 has been the defeat of the effort to undermine the civil service system of Greater New York. Coincident with the change in the political complexion of the state of New York there was an effort made to break down the civil service law in as many ways as possible, due, no doubt, to the overwhelming desire for office on the part of those who did not realize that the old shibboleth, "to the victor belong the spoils," was no longer so potent. The people are awakening to the fact that the offices are created to serve them and their interests, rather than those of political organizations.

So strongly expressed was the public sentiment against the change that the sponsors for the so-called "Gaynor charter" receded from their opposition and agreed to eliminate all changes in the civil service system from the charter. This was but the forerunner of the end, the charter failing through the inability of its sponsors to dragoon a sufficient number of the members of the senate into line to secure its passage. The attitude of those senators of the dominant party who stood out against the manipulation and chicanery of politicians desiring to make use of the opportunity to build up their fortunes at the expense of the public, is deserving of the highest praise and represents a civic achievement of far-reaching importance.³

In this connection it is important to point out that the organization of public opinion was effected through the leadership of the civic organizations of New York City. Governor Dix likewise deserves a share of praise for

³ See "The defeat of the Tammany Gaynor Charter" *infra*.

insisting that he would approve no bill, unless there had been an opportunity for the people to express their views upon it. To offset this action of the governor, the dates of the hearings and of the reconvening of the legislature, were fixed at a time when it was expected that public sentiment would be most lethargic and the active leaders away on a well-earned vacation. The civic workers, however, were on guard and at once converted the hearings into real hearings, and forced the issue home upon the people. The response was immediate, and afforded a substantial tribute to the generalship of the leaders of the movement. As in all similar undertakings, there was not only the enemy in front to be engaged but the misguided zeal of allies to be diverted into the right channels. The fact that the complete defeat of the charter was accomplished, through the cooperation of the secretaries of such organizations as the City Club and the Citizens' Union of New York, is one of the most effective arguments that can be advanced for the maintenance of bodies like that.

Returning to the subject of civil service reform, the most important developments of 1911 in New York City, other than the one just mentioned, were the resignation of Police Commissioner Cropsey which came as the direct result of a violation of the civil service law in making the appointments of patrolmen, and the filling of the position of chief of the fire department by competition. This competitive examination was considered by civil service reformers the most important competitive examination ever held in this country; and its charter and its conduct aroused much favorable comment. Following a policy laid down by Mayor Gaynor early in his administration, that appointments to positions in the competitive class should be made from the eligible lists in numerical order, the examination resulted in the appointment of Deputy Chief Kenlon, who stood at the head of the list.⁴

Numerous commission charters adopted during the past year contain civil service provisions; with the exception, however, of the Oakland charter

⁴ In New Jersey, the submission to the people of the respective divisions by referendum of the question of adopting the provisions of the state civil service law for Newark, East Orange, and Essex County, resulted in the acceptance of the law by large majorities. At the general elections of the fall in Detroit, a charter amendment, providing for a civil service system for that city, was accepted by an overwhelming majority. The Michigan supreme court, however, held the submission of this amendment to the charter, to be illegal on the grounds that the Detroit charter was not drafted under the provision of the home rule act and that it could not, therefore, be amended piecemeal. An effort to break down the civil service system established in Cleveland under the Paine act, was frustrated through recourse to the courts, who held that the attempt *via* "emergency appointments" was illegal. Several attempts were also made to amend the Boston charter, so as to weaken the powers which the state civil service commission now exercises over appointments to the city service; but all these amendments were defeated.

none of these is at all adequate to accomplish their purposes. This fact is referred to because a great many communities think if they use the words "civil service" in a provision that they have secured civil service reform, overlooking that even after the most carefully drawn provisions are engrafted on a charter the merit system has only been part way inaugurated. Such enactments must be followed up by the appointment of conscientious officials to enforce the law irrespective of politics; and these men must in turn have the coöperation of appointing officials who will not create unnecessary vacancies or hamper the effective operation of the law.

I have referred at such length to the establishment of the merit system because it is a component part of the movement to meet the modern demand for efficiency. If our cities are to be reorganized along the lines advocated by bureaus of municipal research and similar institutions, they must begin with a complete reorganization of the civil service of the communities. It must be placed upon an absolute merit basis, all questions of politics and religion being completely eliminated; and provision must be made for the making of the service as a career. Moreover, adequate provision must be made for the selection and retention of municipal experts.⁵

An integral part of the movement for the promotion of efficiency in municipal administration has been the establishment of the series of bureaus of municipal research in the leading cities of the country: New York, Philadelphia, Chicago, Cincinnati, Milwaukee, Hoboken, Boston, Memphis, Walla Walla, Pittsburgh. Their work has already been adequately described in previous reviews. There has been no diminution in their activities; although there is a tendency on the part of some of their advocates to overstress the importance of accounting as a means of reorganizing municipal administration. The National Municipal League for upwards of a decade has insisted upon the necessity, not only for uniform accounting and reporting, but for the coördination of financial with physical statistics as a basis for the determination of cost and as a means for increasing efficiency. At the same time, it seems a mistake to claim, as a recent writer did, that "accounting ought to commend itself to advocates of better administration as being the *only* means of identifying results and making remedies effective."

Municipal taxation has been receiving attention in some places but nothing like what its importance demands. If the financial systems of our cities are to be reorganized, so must the systems of taxation. The National Municipal League has undertaken, through a committee on excess

⁵ This latter subject is one to which the League has been giving attention during the past year through a joint committee of the League and of the National Civil Service Reform League. Its preliminary report at this meeting will show what needs to be done to destroy the virus of the spoils system, and to establish the public service upon a basis of efficiency, honesty and integrity.

condemnation and unearned increment, to study and if possible develop a working plan for the solution of certain phases of the financial situation. Still more thorough-going and comprehensive study, however, is necessary to enable municipal officials to meet the demands upon them for funds to inaugurate the improvements demanded by a constantly developing municipal spirit.

Several states made important changes in their systems of taxation during the past year, some by constitutional amendments; and others by statutes. In the main these changes conform to recommendations of economists and investigating commissions for the past quarter of a century, and in some cases are the direct result of recommendations formulated by the conferences on state and local taxation that have been held annually since 1907.

California adopted a constitutional amendment in October that changes entirely the taxation of public service corporations and also practically establishes a separation of state and local revenue. This amendment provides for the state taxation of public service corporations on their gross earnings and the exemption of their operating property from local assessment and taxation, and provides also for a specific tax on banks and insurance companies. Pennsylvania has the same general system of taxing corporations, but in that state the system developed with the growth of corporate enterprise while in California it involved a radical change in fiscal policy.

The constitutional convention of Arizona adopted, as part of the new constitution, a tax provision recommended by the National Tax Association and designed to permit the classification of property for taxation. Oregon, however, defeated two amendments repealing the present provisions requiring uniformity and permitting classification of property; and adopted an amendment proposed by initiative petition and designed to provide county option in taxation. This amendment provides also that no tax legislation shall become effective until ratified by the people at the next general election and that any measures so ratified, as well as other tax laws enacted under initiative petition, shall be effective regardless of any constitutional provision.

Administrative changes made in several states have been generally in the direction of more effective supervision by a state board over local assessments. Three states have established permanent tax commissions this year⁶ and the powers of existing commissions in several other states have been increased. These changes are due rather to the necessity of improving the efficiency of administration than to a mere desire for centralization. Local assessment, outside of some of the larger cities, is inefficient chiefly because there is not sufficient work in a small district to justify the employment of a competent assessor for his full time. Consequently, the work is done in an

⁶ Colorado, New Hampshire, North Dakota.

unsystematic and casual fashion. And this local system remains much the same as a century ago, while the great increase in property values, and the complex character of modern industry, have increased enormously the problem of equitable assessment.

New York has made radical changes in the method of assessing real estate outside of the cities, without changing the personnel of the assessing force. The separate assessment plan used in New York City has been extended to all cities in the state, and provision has been made whereby assessors, even in country districts, may adopt tax maps and assess by a lot and block system. Another statute directs the state comptroller to compile annually statistics relating to local taxes and expenses and the provisions for sinking funds. This will furnish information which no state now has in a complete and accessible form.

The improvements in administration secured in New York are largely the outcome of a state conference on taxation held at Utica last January and attended by members of boards of supervisors, assessors, mayors and other officials. The results of that meeting indicate the practical value of meetings designed to bring together those directly interested in civic problems and to obtain an agreement upon the details of desired legislation and administrative improvement.

In the field of electoral reform the most important event of the year, possibly, has been affirmation of the constitutionality of the recall by the supreme court of Texas. A year ago the policy of the then existing school board in Dallas running counter to the formally and persistently expressed wishes of the parents of the city, a recall election was held, and those members of the board, who were obstructing the wishes of the electorate, were recalled and others chosen to their places. The offending superintendent of schools was then dismissed; whereupon he and one of the recalled members sought an injunction to restrain the new board from discharging its duties on the ground that the recall provision of the charter was illegal and unconstitutional. The lower court refused to grant the injunction, a decision which the Supreme Court has just affirmed. In its opinion the court said: "The people of the city of Dallas were invested with the sovereign power of the city by virtue of the grant of the charter to them, and the legislature has the power to grant to them the right to remove, by process of the recall provision, any officer who failed to discharge his duty in a manner satisfactory to the people of that city." Section 7, Article XV of the Texas constitution, provides that the legislature shall provide by law for "the trial and removal from office of all officers of the state, the mode for which has not been provided in the constitution." It was urged that the recall violates that provision because no trial is given. The court answered that contention by saying it applies specifically to "officers of the state," and holds that that expression has the same significance as

"state officer." The members of the city board are not State officers and that provision does not apply, and that relating to county officers in Article V, Section 24, was held not to be applicable, because of the school board are not county officers.

One of the justices (Dibrell, J.) dissented from the majority of the court considering the questions presented in this case of great importance, calling for a construction of more than one provision of the constitution of the state, and affecting the form of government, and claiming that the recall provision was repugnant to Article IV, Section 4, Federal Constitution, which provides: "The United States shall guarantee to every state in this Union a republican form of government." In answer to this the majority quoted Jefferson's definition of a republican form of government and apply it to the recall provision of the city charter. And in this connection the court said with great significance:

The policy of reserving to the people such power as the recall, the initiative and referendum, is a question for the people themselves in framing the government or for the legislature in the creation of municipal governments. It is not for the courts to decide that question. We are unable to see from our viewpoint how it can be that a larger measure of sovereignty committed to the people by this method of government and a more certain means of securing a proper representation in any way militates against its character as a republican form of government, and that it is thereby rendered in any sense obnoxious to the provisions of the Constitution of the United States. And it finds that Mr. Jefferson's definition fits the recall, for it gives the people a greater voice in their own government.

This decision is likely to have a far-reaching influence for there has been a very considerable element among Texas publicists who have maintained that the recall was a non-essential element of the commission form of government and moreover was unconstitutional. The Texas court, composed of old line Democrats, has held otherwise on this latter point and would seem to have established a precedent of great importance on the broad questions involved.

There was one feature of the recent Seattle recall election to which little or no public attention was given; and yet it was a most significant one. It will be remembered that the sitting mayor resisted the petitions by legal proceedings. He fought every step of the way. In the Superior Court the question of the constitutionality of the law was raised. On this point the Judge, R. B. Albertson, said:

The question has been raised as to the constitutionality of the action of the city council in submitting the recall charter amendment by resolution and not by ordinance. The statements of the corporation counsel indicate that the resolution of the city council would be sufficient; it would require a very technical ruling to decide to the contrary, and would place

the power in the hands of the city council to thwart the will of the people. The Supreme Court has construed the Act of 1903 making the law valid as to this objection.

This court cannot pass upon all the intricate questions involved on the spur of the moment. *Where there is any doubt in the court's mind as to the charter provisions it ought to be decided in favor of the free expression of the popular will.*

Again it is suggested by the relator that the expense of such recall election should be avoided, in view of the questions involved and uncertainty as to legal procedure, but the courts cannot consider the matter of expense that is authorized by law. The people have adopted the charter amendment, recognizing this expense, and it is not for the court to say no.

It is refreshing and encouraging to note this preference of the people's rights and wishes to strained technicalities.

There has been an increasing tendency during the past year to use the direct primary laws. Heretofore in many communities, once enacted the primary laws were left to the organization politicians for their use and benefit; but this year, in two of the largest cities of the country, Philadelphia and Chicago, the primary laws were used with great effect to defeat undesirable candidates. In speaking of the Chicago primary, Dr. Graham Taylor said that "from every point of view, any way you look at it, the people had their own way the first chance they had to take it by the primary. They vindicated their right to direct primaries." The common opinion in Chicago was that the direct primary was an excellent thing and gave the people a choice and a better candidate than the old convention system. There was some justified grumbling about the necessity of having to vote so often. This, however, is due not to the primary but to the number of elections. There should be only annual elections, which would mean an annual primary and the incident qualification. Frequent elections and complicated election machinery help the practical politician and embarrass the unprofessional citizen. The line of progress is in a simplification of the machinery, a reduction of the number of elections and of the number of offices to be filled by a public vote. The short ballot sentiment continues to grow; but the enactment of it into law seems slow.

To revert to the Chicago primary, there is no question that a candidate under such a law is subjected to a much more severe test than formerly. Politicians complained that a candidate's reputation was pretty sure to be torn to pieces and some of his own party disgruntled, by the time he got through the primary election, and that the expense and labor were doubled. There is no doubt that in the Chicago campaign very large sums of money were expended. There is reliable information to the effect that none of the candidates spent less than \$150,000 and that the successful candidate of one of the parties spent about \$200,000. A third candidate, who was comparatively unknown to the public, spent a very much larger sum than

this, the single item of lithographs and signs costing \$75,000. The remedy for this particular difficulty lies in the direction of restricting the amount to be expended by individuals for election expenses.

As to the matter of reputation, if a man's character will not bear the strain of two elections, how can one expect it to stand the strain of a term of public office? If a primary law results in weeding out men whose character is unable to bear the strain, it will have served a useful purpose.

In Philadelphia the primary law certainly eliminated the less desirable candidates and gave to the voters of the city at the general election two clean men representing a material improvement over previous conditions and who, as a result of the ante-primary as well as of the ante-election campaign, were compelled to pledge themselves definitely on important public questions as to much needed reforms.

In connection with the San Francisco primary, the principle of the majority vote was tried with excellent results. Mr. James Rolph, Jr., the successful candidate, having received a majority of the votes cast at the primary, was forthwith declared elected mayor of the city, without the necessity of going a second election. All other candidates who received a clear majority at the primary were likewise declared elected; so that on November 7 there was an election only for those offices the candidates for which failed to receive a majority. This is another step in the direction of simplification.

Socialist mayors, village heads and officials have been elected in a long list of communities within the past two years.⁷ Some of these are out and out Socialist victories but the great number of them have been made possible by the votes of non-Socialists disgusted with local conditions. The San Francisco Socialist Party platform is a fair sample of their propaganda:

Pledging ourselves to a real working *class* administration in this city, the Socialist party presents to the workers the following program as measures to defend or advance the interests of labor. We realize, however, that all such measures are only a part of the legislation needed by labor in its daily warfare with capitalism, and we pledge ourselves to every remedial measure that will aid the workers industrially or politically, or in any way advance the cause against mammon, human life against graft and

⁷ Berkeley, Pasadena, Neiderland, California, with a contest in San Bernardino; Victor, Colorado; Coeur d'Alene, Idaho; O'Fallon, Granite City, Davis, Spalding, Illinois; Girard, Curransville and Arma, Kansas; South Frankfort (village president), Greenville and Flint, Michigan; La Porte, Ten Strike and Two Harbors, Minnesota; Cardwell and Minden, Missouri; Butte, Montana; Beatrice, Red Cloud and Wymore, Nebraska; Manitowoc, Green Bay (town Chairman) and Brantwood, Wisconsin.

Some 75 other officials were elected in these and other towns. Partial victories were won by the Socialists in Bennington, Vermont; Muscatine, Iowa; Helena, Montana; and Kalamazoo, Michigan.

greed, of freedom of thought and speech and deed against every device of the despoiler and the despot. We pledge our candidates to the following measures:

1. A universal maximum work day of not more than eight hours.
2. Immediate relief for the unemployed by giving them employment on useful public work at union wages for union hours.
3. The most improved sanitary shop and housing conditions.
4. The strict enforcement of adequate child labor legislation.
5. Adequate provisions for free public employment agencies and the abolition of private employment agencies and kindred forms of grafting on the workers.
6. Adequate provisions for the education of all children. This to include free text books and free mid-day meals.
7. The abolition of the "third degree" and similar forms of police outrages.
8. The collective municipal ownership of all public utilities as an inevitable part of the general Socialist program to transfer the ownership of the means of production to the working class.

This platform is one, to most planks of which the average municipal progressive could give conscientious adhesion, but for the introduction of the word "class" in the first line. This is a divisive word and tends to create class distinctions, rather than that community spirit and life which is essential to the development of the modern city.

Instances may be cited from the present Milwaukee administration toward men sincerely interested in the welfare of Milwaukee and desirous of coöperating with established authorities in their efforts to carry out the constructive reforms pledged in their platform, to illustrate that the Socialists regard themselves as being apart from the common life of the city.

Notwithstanding shortcomings in the way of community courtesies and life, the Seidl administration has been honest and fairly efficient. Although it has made some serious mistakes, as was to be expected under the circumstances of being entrusted with the administration of a great city in the face of high expectations excited by a long discontented people, it has adopted many useful, constructive measures. It is difficult to get at the real facts of the situation, however, and estimate the value of the Socialist contribution to municipal development. On the one hand the anti-Socialist press is extreme in its denunciation of and criticism of the Socialist administration, and unfair in the extreme in commenting upon its activities. On the other hand, we have the bitter abuse and constant insults that have appeared in the columns of the *Social Democratic Herald*, the recognized organ of the Socialist propaganda, some of which have been over Victor Berger's own signature, which make it difficult if not impossible for other than Socialists to support its candidates and propaganda in the future, unless the electorate should be confronted with a choice between serious evils, of which the support of the Socialists might be the lesser.

In still another direction the divisive effect of the Socialist propaganda is illustrated. The Socialist members of the last session of the Wisconsin legislature fought bitterly the nonpartisan city government and majority rule measures advocated by the civic bodies of the city, and eventually defeated them. Such an attitude, coming at a time when party lines are being broken down in municipal elections, and when party designations are being eliminated from the official ballots in a most satisfactory way—is a step in the wrong direction.

It is really too soon to estimate at its true value the Socialist movement in the cities. The tendencies that have herein been indicated are dangerous ones, if allowed to go unchecked. However, if the Socialists place the emphasis upon the many excellent features of their platform, and eliminate the idea of class distinctions, and will offer to work with all other citizens irrespective of party who have for their object the advancement of high ideals in city life, they will contribute an earnestness and an aggressiveness of great value. Although uniformly opposing the introduction of the commission form of government on the ground that it is anti-Socialist, this attitude has not prevented them from turning in and seeking to elect their members to office after commission government had been determined upon. (See appendix to this article.)

To date, the largest contribution of women has been in the direction of improving the municipal housekeeping. They are busily engaged in an ever-increasing number of cities in beautifying the outward appearance and improving the conditions of the streets, the grounds and living conditions generally. In fact, it may be noted that the entrance of women into the housekeeping of cities is one of the cheering developments of the decade. Their practical, though unofficial, participation in the management of municipal affairs, is helping increasingly to make American cities more desirable places of residence. They are not, however, confining themselves to efforts at adornment and housekeeping, but are taking a larger part in public affairs, both as intelligent and effective agitators, and as candidates for office.

I have attached as a footnote to this address a list of the cities in which women have been elected to office. It is an interesting exhibit, provocative of thought as to future developments and to be considered as illustrating the growing influence of women in municipal affairs rather than the Hunnewell incident, which is more or less of a tempest in a tea-pot and regarded as a jest by those who are familiar with the situation.⁸

⁸List of cities in which women hold municipal offices:

California: Los Angeles, woman police officer; Long Beach, special police officer; San Diego, director of playgrounds.

Colorado: Pueblo, auditor; Leadville, treasurer; Telluride, treasurer; Idaho Springs, treasurer; Greeley, treasurer; Fairplay, treasurer; Ridgeway, treasurer;

Investigation has been the order of the day in numerous communities. Philadelphia has had a legislative committee engaged, with the coöperation of a citizens' committee, in delving into the mysteries of Philadelphia politics and the methods which have made a few contractors and officials quickly rich. It has aroused a public sentiment that will be intolerant of half-way measures. One of the important outcomes of the investigation will be, no doubt, the enactment of more rigorous inspection laws and giving to the controller of the city larger powers of independent investigation of municipal contracts.

Chicago is investigating, through its civil service commission, charges of graft in the police department and the alleged systematic extension of protection to favored vice concessionaires.

Grafting is becoming unpopular as people come to know more about it. As I have pointed out on more than one occasion, the revelations, while disgusting, are important and encouraging, because they reveal conditions which an enlightened public sentiment promptly seeks to correct and eliminate. Hand in hand with the disclosure of conditions, both through official and unofficial means, is the movement for the education of the peo-

Montrose, treasurer; Colorado Springs, city clerk; Durango, alderman; Alma, clerk, treasurer; Aspen, clerk; Las Animas, city clerk; State, regent State University; three representatives in Colorado legislature, member penitentiary and reformatory board of commissioners, member advisory board Juvenile Improvement Association, member Colorado civil service commission.

Idaho: State superintendent, public instruction.

Illinois: Carlyle, deputy tax collector; Chicago, superintendent of schools; Evanston, justice of the peace; Springfield, school board; Oak Park, two women on school board; Geneva, matron, woman's industrial prison.

Iowa: At the last election 46 counties out of 99 chose women as county superintendents of schools.

Kansas: Hunnewell, mayor; Rosedale, treasurer; Sapulpa, patrol woman.

There have been at least 20 women mayors in Kansas. The first was Mrs. Salter of Argonia, elected in 1889.

Kentucky: Lexington, member of board education.

Louisiana: New Orleans, Parish, factory inspector.

Massachusetts: West Springfield, member of school board.

Michigan: Flint, school board.

Missouri: College Mound, members of town board.

New Jersey: Glen Ridge, West Orange, school boards (1911); Yardley, member board of education.

New York: Elmira, city bacteriologist.

Ohio: Factory inspectors.

Oregon: Astoria, city health officer.

Washington: Tacoma, public morals officer, city food inspector (1911).

Wisconsin: Milwaukee, member of school board (1911).

Wyoming: Member house of representatives, state superintendent of public instruction (1911), county superintendent of schools, Albany County, county clerk, Albany County, justice of the peace, Albany County.

ple in higher standards of personal and public conduct. So long as people are tolerant of these methods in personal and private business, so long as they are willing to wink at corruption if it tends to their own advancement or adds to their own bank account, so long will they be equally tolerant of evil conditions in the cities. Whatever tends to raise the standards of private morality, to improve business ethics, to that extent helps in advancing the cause of public morals. Whatever tends to develop a community life, to make the citizens proud of the city and its achievements and to love it for its own sake irrespective of what it may individually profit them—tends also to the solution of the city problem and to the creation of more wholesome conditions of life in our cities.

The saner Fourth, the pageant of Thetford⁹ the "welcome feast" at Rochester, the various municipal congresses and expositions, the adoption by cities of mottoes like the following: "Look up and not down; look out and not in; look forward and not back; and lend a hand" (as Buffalo has done)—all tend to develop a city life, sane and wholesome. Publicity is another factor that is aiding mightily in the exposure of wrongdoing and in the establishments of new and better models of conduct. The publicity showered upon the provisions of the Tammany-Gaynor charter helped bring it into discredit and eventually to defeat it.

Another phase of the movement for publicity is the establishment of city papers by cities in their interests; to inform the citizens and taxpayers about their government and its activities; and, development and interests of other cities. A number of such papers are now being published, with great success and benefit to the localities concerned. Some are monthly, some weekly, some daily. Some have a paid subscription list; some are circulated free to all taxpayers and officials, or to all who will request them and send the necessary postage.¹⁰

From these several instances it is plain to be seen that a new spirit is abroad which argues well for the future. There is a new sense of responsibility and responsiveness which promises a higher standard of municipal efficiency in the not far distant future. When city officials feel the need for giving an accounting of their stewardship and when they begin to catch the spirit and to translate it into language and signs that he who runs may read and understand, then we may, with appropriateness, announce the dawning of a new day of municipal advance.

There has been a steady increase in the number of effective organizations and in the spirit of coöperation among existing organizations; and, moreover, there is a satisfactory growth in the number of competent, capable men who are devoting their lives to the direction of the affairs of

⁹ See short article on this, *infra*.

¹⁰ Denver, Philadelphia, Houston, Spokane, Boston, San Francisco—all have these papers; and Los Angeles is now planning to establish a municipal daily newspaper.

such organizations. In fact, the Civic Secretaries Committee of the National Municipal League represents one of the most significant developments of the past two years. The civic secretary is assuming a position of prominence, influence and helpfulness, and becoming a career for the public-spirited men who desire to devote themselves to public affairs. The next step in the development must be the provision for their adequate compensation and an assurance of the future. One reason why the stay of young men in civic positions has heretofore been so short is the fact that the compensation has been moderate and there has been no assurance as to the future.

City plans and programs are increasing in number and effectiveness. The Third National Conference on City Planning, held in Philadelphia in May last, was an event marking great advance in the movement for intelligent, definite planning for American cities. In connection with this conference there was an exhibition similar to those recently held in Berlin, Düsseldorf and London. The exhibition clearly showed the American public how much in the way of the improvement of American cities had been and was being accomplished. It also showed what foreign countries had done along similar lines. Boston-1915 is a concrete illustration of definite planning for city coöperation on a large scale. It has a definite plan for its entire work, and a definite program for each year.¹¹

After all is said, however, the most notable tendency in American municipal life is that toward hopefulness. The men who bewail existing conditions and close their eyes to the work that is being done to improve them, are diminishing in number. There is a general recognition, to be sure, that municipal administration has not heretofore been a striking success; but that is largely a thing of the past. As Mr. James Bryce said, in his address before the New York City Club last spring:

Your administration is becoming more and more of a business administration, certainly in this city, than ever before, and that is generally true of cities all over the Union. Everywhere men are coming to see the importance of fixing responsibility upon definite persons. That is the meaning of the tendency to adopt the commission form. In that respect your forms of government are far better over the country at large than they used to be The same phenomenon which you see here is visible to the observant traveler. In all the largest cities where I have been honored by being the guest of chambers of commerce and civic clubs and citizens' associations, I have found organizations in which good citizens have banded themselves together, supplementing the defects of their local municipal government by making themselves the organs of an alert and enlightened public opinion, stirring up the spirit of the people and impelling by the pressure of opinion the municipal authorities toward the improvements that are needed. In nearly all the cities the sky is brighter, the light is stronger.

¹¹ See article of James P. Munroe, *infra*.

A new spirit is rising. The progress you may expect to see in the elevation and purification of your city government within the next twenty or thirty years may well prove to be greater and more enduring than even that which the last forty years have seen.

APPENDIX

The following is a list of Socialist officials elected on November 7. It was compiled by a leading Socialist from press reports, which have not in all cases been verified. A revised list will be compiled later. According to the same authority some 500 Socialist officials, most of whom were chosen in the spring, were already in office when the November elections were held:

CONNECTICUT

Bridgeport—1 alderman.

INDIANA

Diamond—full ticket (except clerk).	Spencer—marshal.
Farmersburg—marshal.	Staunton—trustee, clerk, treasurer, marshal.
Normal City—trustee.	
Shelburn—secretary-treasurer, trustee.	

KENTUCKY

Newport—commissioner.

MASSACHUSETTS

A member of the legislature (from Haver hill).

MICHIGAN

Kalamazoo—councilman.	Saginaw—3 ward commissioners.
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MINNESOTA

Crookston—Mayor, 1 alderman.

NEW JERSEY

Camden—justice of the peace.	North Haledon—tax collector.
Elizabeth—2 aldermen, justice of peace.	Rockaway—mayor.

NEW YORK

A member of legislature (from Schenectady).	Schenectady—full ticket (including mayor.)
Auburn—1 alderman.	

OHIO

A member Constitutional Convention.	Findlay—alderman
Carleton—2 councilmen.	Fostoria—mayor, 1 councilman.
Cincinnati—member of school board.	Lima—full ticket.
Columbus—4 aldermen.	Lorain—full ticket.
Hamilton—vice-mayor, 2 councilmen-	Mansfield—full ticket.
at-large, 3 councilmen, 2 assessors.	Martins Ferry—full ticket.
Akron—alderman, 2 assessors.	Mt. Vernon—full ticket.
Barberton—full ticket.	Rittman—marshal, 4 councilmen.
Canton—majority of council (mayoralty	St. Mary's—full ticket.
election contested).	Salem—full ticket.
Conneaut—councilman, 2 councilmen-	Toledo—alderman (Mayor Whitlock is
at-large.	not a Socialist).
Cuyahoga Falls—full ticket.	Waverly—constable, justice of the peace
Dayton—4 councilmen.	Wadsworth—2 councilmen.
East Liverpool—councilman, justice of	
the peace, member board of education.	

PENNSYLVANIA

Franklin—1 county commissioner.	Pottstown—5 councilmen, school direc-
New Castle—mayor, 11 councilmen.	tor, 2 assessors, 3 constables.
Oil City—5 councilmen.	Reading—5 aldermen.
	Wheaton—full ticket.

RHODE ISLAND

A member of legislature (from Providence).

UTAH

Eureka—full ticket.	Stockton—constable.
Manti—full ticket.	Tintic—constable.
Murray—full ticket.	

WASHINGTON

Everett—3 councilmen.

EFFECTIVE MUNICIPAL GOVERNMENT

A STUDY OF THE CITY OF FRANKFORT-ON-THE-MAIN

BY WILLIAM DUDLEY FOULKE¹

IT is to Prussia and not to the German Empire that the cities of Prussia, among which Frankfort is an illustrious example of good government, owe their origin, and it is the kingdom of Prussia which superintends their administration. The charter of Frankfort was granted in the year 1867, over three years before the empire was established, and it has remained practically unchanged until the present time.

Prussia is divided into twelve provinces. Each province is sub-divided into administrative districts. The provinces are governed by provincial assemblies and provincial councils, and the districts by district committees or *Regierungen*. The *Regierung* which supervises the city of Frankfort is composed of a president appointed by the king, an expert member selected after examination, and four lay members chosen by the provincial assembly.

The state supervision over the city is quite different from that exercised by our own state legislatures, which alter charters and make new regulations for the municipalities at almost every session. In Prussia charters are rarely altered, but each particular act of the city government comes under the supervision of a state administrative board, composed in part of experts and invested with the special function of superintending the more important acts of the municipality. The Prussian plan is immensely superior to ours. This special body is far more competent to correct the unwise action of the city than an *indoctum parliamentum* composed largely of representatives from other parts of the State who have little knowledge of the city's needs or even of what its inhabitants desire.

The charter of Frankfort provides that the city is to be represented through (1) a municipal board and (2) a representative assembly. Ordinances not inconsistent with existing laws are made by the concurring resolution of these two bodies, with the approval of the *Regierung* or district committee. The jurisdiction of the municipality in all local affairs, with comparatively few exceptions, is universal. It may pass what ordinances it will and conduct what business it will, subject only to the *Regierung* and the general laws of the kingdom. What a different development

¹ William Dudley Foulke was elected president of the National Municipal League at the Buffalo meeting in 1910. This article is the substance of his annual address at the Richmond meeting, November 13, 1911. Mr. Foulke was formerly federal civil service commissioner under President Roosevelt. He has also been a member of the Council of the National Civil Service Reform League for many years.

of municipal life would we have had in America had such extended jurisdiction been conferred by our own city charters!

All inhabitants, except soldiers, belong to the city community, are entitled to the benefit of its public establishments and bound to share its burdens. Every Prussian, twenty-four years of age, capable of managing his own affairs may vote, if he has been for one year an inhabitant, has received no support from public charity, has paid his municipal taxes and either possesses a dwelling in the city or a permanent industry, with at least three assistants, or has an income of \$300 a year. The wife's income or possession is attributed to the husband, that of the child to the father.

Every citizen is obliged to accept an unpaid place in the administration or in the representative assembly, if chosen thereto, and must perform its duties for three years. He can refuse only on account of sickness, business requiring frequent absence, age of sixty years, holding another public office, medical practice, or special circumstances which in the opinion of the representative assembly furnish a valid excuse. Whoever else neglects to fill such place can be deprived of his citizenship and compelled to pay from one-eighth to one-fourth more direct taxes.

Our own municipalities have never sufficiently availed themselves of the city's right to call upon its citizens for unpaid service. An immense mine of civic patriotism is still largely unexplored, but whether this can best be exploited by penal statutes is questionable. Voluntary service is better than that which is compelled and public opinion will do more than law.

The representative assembly consists of sixty-four members chosen by districts. One-half of these must be owners of houses. The *Regierung* can declare an election void for serious irregularities.

The municipal board consists of an *Oberbürgermeister*, a *Bürgermeister* (who acts as his representative in his absence and performs any delegated duties), and also twelve paid and thirteen unpaid members. The *Oberbürgermeister* is appointed by the king for twelve years from three candidates presented by the representative assembly. The king has invariably appointed the man standing first upon the list presented. The *Oberbürgermeister* is generally chosen from experts who have filled similar offices in smaller cities. He is usually a man of university education, wide attainments and high character. Dr. Adickes, the present *Oberbürgermeister*, has served twenty years, and has still four years of his present term unexpired. The *Bürgermeister* and the paid councillors are elected by the representative assembly for twelve years, and the unpaid councillors for six years, one-half being chosen every three years. Upon retirement these officials as well as all city employees, receive a pension of one-quarter of their salaries after six years' service, one-half after twelve years, and which then rises up to twenty-four years, when it amounts to two-thirds of the salary.

The members of the representative assembly are not bound by the instructions of their constituents. Their resolutions need the approval of the municipal board in all matters confided to the execution of that board. If this approval is refused and no agreement can be reached, a decision is sought from the Regierung.

The assembly may meet as business demands. It actually convenes once every week. The municipal board is invited to all its meetings and can be represented by deputies. Special places are assigned for its members; they may be interrogated and must be heard whenever they desire. It thus occupies somewhat the same position as a cabinet in a parliament.

The representative assembly, besides enacting the city ordinances, passes upon the budget and imposes the municipal taxes. The system of taxation is extremely complicated and elaborate.

It is impossible to go into details. The amount of tax imposed upon any particular thing seems very reasonable, but altogether they form an aggregate which is considerable. Personal property, is not directly taxed as with us, but an income tax imposed by the state and supplemented by an addition in the city reaches the interest and dividends from capital. The taxes upon buildings and upon land as well as upon trades have been renounced by the state and such taxes are imposed by the city alone. These taxes are graduated. In the tax upon trades, returns amounting to less than \$750 a year are free.

The taxes upon improved real estate are not laid, as with us, upon their estimated value but upon the gross rental actually received during the preceding year, the theory being that these taxes are to be paid out of the rent. If the building could only be used part of the year, taxes are paid for that proportionate part only. This total rent received, however, is not the measure if it differs greatly from all the rental values in the neighborhood or if it includes the use of personal property or depends upon the result of an industrial undertaking or other uncertain event, or where the owner occupies the property himself or allows another to do so without compensation. In that event, the rental values of the neighborhood determine. If the property for other reasons is unrented or unused, no tax is paid. The house tax is 4 per cent of the gross income, but this rate is increased by a graduated scale for every dwelling whose rental value exceeds \$125.

On unimproved real estate the tax is laid upon the value of the land. A new valuation is made every three years. Two members of the municipal board and seven of the representative assembly form the tax-committee to levy this tax.

Churches are not supported as with us by voluntary contributions, but their members pay a church tax which is divided proportionately among the Jewish, Catholic and Protestant communions. Any citizen may with-

draw from a church and avoid the tax, but the Oberbürgermeister told us that few do so "because the women want the men to belong."

But the most remarkable feature of the taxing system of Frankfort is the tax which is laid, when property is transferred, on the unearned increments of land values. There is no city tax upon transfers by inheritance, though there is one imposed by the general government. It is curious to note the progress of this tax upon the unearned increment in German communities. It was first established in 1898 in the German settlement of Kiao Chau in China where the government evidently intended to avail itself of the opportunity to receive part of the benefit of an increase in values from the growth of a new community. In Germany proper this "increment tax" also began with the municipalities. Two cities in Saxony adopted it in 1902. The first town to apply the name was Helbersdorf in 1903. One year afterwards Frankfort established this tax and 642 other communities have followed, among them the most important cities of Germany, and in February of the present year the imperial government passed a general increment tax law in the Reichstag by a vote of 199 against 93. The municipal increment tax is allowed to continue for five years. After that time it must cease, and the city is to receive a small proportion of the general tax.

The Frankfort increment tax or transfer tax as it is called, passed in 1904, provides that every change of ownership not depending upon inheritance is subject to a city tax of 2 per cent of its value and if since the last preceding transfer less than five years has elapsed in the case of improved or ten years in the case of unimproved property and there has been an increase of value of 30 per cent of the former price, a supplement is imposed as follows: Five per cent for an increase up to 35 per cent, 6 per cent for an increase up to 40 per cent, and so on, 1 per cent being added for every 5 per cent increase until the total tax reaches 25 per cent. Expenses for permanent improvements are deducted also loss of interest and cost of maintenance for unimproved property, less the income therefrom. If property is sold by a mortgagee, however, the tax is collectable only out of the excess. In case of exchange of property it is levied only once and upon that piece whose value is increased the most.

To return to the general scheme of government. The municipal board must execute the laws and ordinances. It also prepares the resolutions and much of the other business of the representative assembly. It administers or supervises the municipal establishments and property, the income and expenses, the accounts and the treasury. It appoints and superintends the city officials whose appointments, except for temporary service, are for life. It distributes taxes among those liable for them and secures payment. At the present time the municipal board meets twice every week. The Oberbürgermeister, or his representative, presides and

oversees the whole administration. Where it would cause injury to wait for a resolution of the board, he may arrange the matter alone, and report it for action at the next meeting. State supervision, as we have seen, is exercised by the *Regierung*, or district committee.

The impression conveyed by an examination of this charter indicates that in Prussian cities the system of checks and balances is carried quite as far as in American cities. The municipal board may suspend an act of the assembly which it considers beyond its jurisdiction or against law or justice, or injurious to the city or the state. The *Oberbürgermeister* may suspend a similar act of the board and the final decision in each case goes to the *Regierung*. This body may forbid the execution of an act which it considers illegal or injurious, or if the assembly refuses to bring into the budget things legally incumbent upon the city, may compel their insertion. It is easy to see that after all the personal equation counts for a great deal. In the hands of an unscrupulous *Regierung*, ducks and drakes might be made of the work of the municipality. The sovereign may dissolve the assembly and through his minister of the interior appoint for six months a temporary commission. In the hands of an unscrupulous despot the system might thus be put at the mercy of the central government. In point of fact this is not done. The wonderfully successful German cities under this form of administration is rather a tribute to the growth of character and of capacity for municipal government which this form of organization allows and encourages than to any other peculiar excellence in the form of organization itself.

The Frankfort police is administered in the main by the Prussian government. It is committed to a police president appointed by the king, who is authorized to make the city authorities his organs and the minister of the interior is authorized to transfer single branches of the force to the city government under supervision of the state. The whole force is paid by the state, the city contributing one-third. Police officers are pensioned upon retirement, and it is reckoned that the pensions paid amount to 17 per cent of all the salaries. In Frankfort certain branches of the force have been turned over to the city under this law to be used for special city purposes for instance, the building police, whose duty it is to see that the building laws and ordinances of the city are complied with.

The industrial enterprises undertaken by the city of Frankfort are more extensive than those which are pursued by city governments in our own country. A summary of these is presented by Dr. Busch for a series of pamphlets on the industrial undertakings of the different cities of Germany. It was prepared in 1909 and is, therefore, two years old. I have drawn liberally from this source, and the statements made must be referred mainly to that date. A capital of some \$29,000,000 is employed in such enterprises without estimating property in land. Some of these

undertakings have produced a large profit, others require an outlay, but from a rather incomplete table in which these are contrasted it would appear that there is a considerable net gain to the city. The city employs some 4000 permanent, and an average of 1000 temporary workmen. The wages paid are \$1,375,000, or an average of \$275 for each person, besides \$35,000 for clothing and \$62,500 for payment during sickness, leave of absence, over time, etc. Married workmen get an additional rent allowance, according to the number of their children. City property is rented to city employees on very reasonable rates and the workmen besides their pension after retirement have certain advantages in reduced fares on city railroads, certain exemptions from taxation, etc., so that with a lower cost of living than in America this \$275 means a good deal more than it would mean with us.

Many of the city enterprises are directly in aid of the administration of the government. For instance, there is a central office for all clerical work, with book bindery and lithographic apparatus, a special municipal telephone with five hundred connections, a general supply establishment, which acts as a purveyor for the single branches of the service. Purchases are made in larger quantities with greater competition and at better prices and the materials are adequately tested. Useless and superfluous articles are brought here and either sold or applied elsewhere. In winter and at other times when there is a lack of employment it offers work, especially in cutting and reshaping the stones which have been removed from streets that have been re-paved so as to make them available elsewhere, or in breaking them up for macadamizing. There is also a city lumber yard connected with the fire department which employs the firemen stationed there in carpenter and joiner work and cares among other things for the fencing of city lots. The street cleaning department falls under this head, and the daily sprinklers, including the new ones recently put upon the city railroad and operated by electricity. The removal of rubbish from the houses is effected by special rubbish carts, with special receptacles to be set out in the evening and shaken into the carts. A fee is levied for this service according to the size of the dwellings. Those of an annual rental value of less than \$75 are free. At the outlet of the sewers is a cleansing establishment with purifying basins over which the sewage passes and when thus filtered it flows into the Main. Rates are imposed according to the size of the buildings drained. The mud and slime are withdrawn from the basins by machinery and scattered over large fields where they dry and form a compact mass. Part of it has heretofore been sold for agriculture. Connected with the street paving department but with a special budget are the city stables which comprise the whole driving equipment of the municipality, except that of the fire department.

The city of Frankfort has charge of most of the enterprises which with us go under the name of public utilities. It operates the water works, providing from many sources a supply of spring water for drinking and of river water for other purposes. Its cost was \$7,250,000. The rate charged is 4 per cent of the rental values of the dwellings. Those of less than \$62.50 yearly rent are free. Business rooms pay 1 per cent of their rental value. In factories and for industrial and agricultural purposes the charge is by meter. The system of charging upon the rental value of the property is, however, considered extravagant and the average use of water is much greater in Frankfort than any other cities. The yearly profits are \$175,000, besides interest on the property.

By the city electrical works electricity is sold by meter at a price for lighting purposes of $12\frac{1}{2}$ cents per kilowatt hour up to 3000, then 10 cents and for motors $3\frac{3}{4}$ cents per kilowatt hour, but in the evening hours in winter $6\frac{1}{4}$ cents. The profit amounts to about \$400,000 per year.

The city of Frankfort has not been able to operate municipal gas works owing to the fact that there were two concessions to private companies for one hundred years each, and the term will not expire until 1959. This is a source of great chagrin to the city government and the people generally though the competition between the two companies has kept gas at a fairly reasonable price and the city electrical works has aided in this competition. The monopoly period will expire before the concession and there is talk of the city establishing competing works at that time. In some of the suburbs municipal works are already established.

The city owns and controls the harbor upon the river Main with warehouse establishments and railways connecting with the main lines.

In 1898 the city purchased the horse railways and shortly afterwards transformed them into an electrical system, which is now operated at a profit of about \$175,000. The appointments are admirable. The price is $2\frac{1}{2}$ cents for four kilometers or $2\frac{2}{5}$ miles, and $1\frac{1}{4}$ cents for every two kilometers in addition. The prices for the suburban lines are kept low (although there is a deficit here made up out of the profits of the interior city lines) in order to encourage intercourse and provide cheap suburban homes, for workmen. Weekly cards are issued to laborers for the morning and evening hours of the six working days of the week at the rate of three kilometers and return for 15 cents and five kilometers (three miles) and return for 20 cents per week and for every further kilometer $2\frac{1}{2}$ cents. For a three mile ride this is one and two-third cents a trip. As great care is taken in the materials the cost of repairs is low. Many subordinate industries are included in the street railway system. It constructs the over head traction work, puts the cars together in its workshop and adapts horse cars to the electric system. Great care is exercised in the establishment of the plan of service adapted to the different hours and seasons and

to the handling of special crowds on festivities, etc. So as to guard against the effects of the prevalent influenza upon its personnel in winter, a reserve corps is created composed of the cutters of uniforms and tailors, shop repair men and the like. This tailoring was adopted to supply such a reserve and to keep the men employed when not needed.

Frankfort has many promenades, avenues and gardens and seven parks, besides city school gardens for botanical instruction and city cemeteries. To supply these with flowers and trees a city garden was established with green houses and nurseries. This garden also supplies decorations for festivities and furnishes private individuals with plants and flowers from those not needed for city purposes. It has had a peculiarly stimulating influence on private gardening. Flowers and rare plants are seen everywhere. Frankfort has become a garden city. The net expense to the administration is about \$55,000 a year.

There are city forests of 8552 acres of which 535 acres are annually forested. The total net income is \$47,000 or about \$5.50 per acre.

A city vineyard of some thirty acres was acquired a hundred years ago. The wine from this is developed and cooled in the city rathskeller and sold to innkeepers and individuals.

The city owns and operates bathing establishments with swimming schools, hot air and steam and shower baths. This enterprise involves a deficit of about \$22,500.

It was found that there were great abuses in funerals and burials when conducted by private individuals, as indeed there is everywhere, enormous sums being spent by those who can ill afford it for a little useless pageantry. To end these abuses as well as to classify the occupation of cemeteries, the city took charge of all interments. The cost of burial is graded according to the income of the deceased. The city also conducts the funeral arrangements, if desired, though this may still be done, if preferred, by private undertakers, the city being merely a competitor and furnishing simple but respectable coffins and other appointments at moderate figures.

Another industry subject to great abuse in private hands is of the pawn shop and Frankfort, therefore, has a municipal pawn shop administered by a commission and controlled by a special director. A number of reliable pledge collectors are specially licensed. The net cost to the city last year was some \$5000.

Another industry designed to improve the welfare of the poor is the city savings bank with twelve branches and thirty-six places with merchants where deposits are received. In 1908 and 1909 it had 29,000 depositors whose deposits amounted to \$4,750,000, upon which the city paid interest at $3\frac{1}{2}$ per cent. Connected with this is a so-called old age savings bank affording insurance against old age and disability. The city treasury invests the deposits in the Frankfort Bank and in loans upon real estate

security. A reserve fund is created out of the surplus up to a certain point, after which they are applied to ordinary city uses.

There is also a city intelligence office for the employment of laborers and domestic servants, conducted by a commission of employers and employees on a basis of equality under the presidency of a member of the municipal board. It is divided into male and female departments and sub-divided into intelligence bureaus for certain trades. The business manager is required to give applicants notice of strikes and lock-outs. The annual cost of the bureau is \$6500.

The city of Frankfort also owns and operates a cattle yard for the reception, inspection, importation and exportation of live stock, and a city slaughter house in which some 36,000 cattle and 230,000 smaller animals are slaughtered every year by city employees. There is an inspection of the animals before killing and of the meat afterwards, and a special examination made for trichina by forty-eight special officers.

There are other enterprises for the promotion of public culture in which the municipality participates. For instance, the city owns a splendid theatre and an opera house, in which standard plays and musical compositions of the highest order are admirably produced. The buildings alone are worth \$3,250,000. The city does not manage these undertakings, but gives a subsidy, amounting to \$75,000, including pensions and these institutions also receive the support of many private endowments, so that municipalization is not considered desirable. The city also contributes to the support of a library, a picture gallery, a museum and zoological gardens.

The city has constructed a magnificent hall for expositions, concerts and festivals upon a tract some forty-seven acres in extent. The surface of the building alone covers 6000 square meters. The city already owns part of the land and leases the rest of it from an orphan asylum. A building association was organized to construct the building in which the city took about one-third interest.

But the most remarkable instance of the intrusion of the city government into the domain of what we would consider exclusively private enterprise is found in its transactions concerning real estate. The principles upon which it acts are avowedly paternal and even socialistic. Its policy is constantly to increase the city holdings and to use the city funds and credit to advance the welfare of the community in respect to dwellings so as to prevent the workingmen and the poor from herding in unwholesome tenements. The city owns some 3250 acres within its own limits or about 21 per cent of its total area without including the city forest. There was a special department established in 1897 for the purpose first of building the harbor, embankments and railroad in the eastern part of the town and then for the development of building plans for outlying portions of the city.

To this bureau was transferred at its foundation city real estate worth \$6,500,000, besides a capital of \$1,500,000 for loans. This bureau has constantly grown. In 1909 it controlled property worth \$26,500,000. One of the original purposes in buying and selling lands was to prevent undue speculation by private persons and the holding back of property for excessive prices, but when it was considered that these sales meant an unjustifiable preference of single individuals, it was decided that the city should give systematic support to the building industry by advancing a share in the cost of building with a grant of the land in lease and the acceptance of guarantees for interest. Thus large tracts of land have been opened for building purposes. Private land owners were induced to co-operate with these measures and to grant their own property upon similar leases and an ordinance was passed in 1902 reserving 30 per cent of the tracts laid out for public streets and squares. This was found insufficient and in 1907 the percentage was raised under certain conditions to 35 and 40 per cent. Long prior to this time the city had already begun to erect dwellings for its own officials and workmen. More recently teachers began to be included and finally the city determined to grant lands on lease open to all persons who desired to erect buildings upon a secure basis. The city took part of the stock and redeemable obligations of the International Building Company in opening a new division called Hellerhof with the privilege of purchasing the remainder of the stock so as finally to come into possession of the whole. For the handling of these building undertakings there is a special fund established by the city. The land is usually leased for sixty-one years at a yearly ground rent of $2\frac{1}{2}$ per cent of its value. The building plans require the approval of the municipal board. After the expiration of the lease both land and buildings revert to the city. The city furnishes up to 75 per cent of the building money and 90 per cent in the case of officials and teachers in the erection of a dwelling for one family only. Four per cent interest is required and for officials $3\frac{1}{2}$ per cent. Four to five per cent of the loan is to be repaid each year. Dr. Adickes, the present Oberbürgermeister of Frankfort, told us that he was also in favor of the city constructing at its own cost dwellings for workmen in general, not merely city employees, but that he had hitherto found the objection was too strong in a city government in which property interests were so largely represented, since the owners of private buildings did not wish the competition of the city and the reduction of rental values which might follow from this policy.

What then are the excellencies of the German system of municipal government as illustrated by the city of Frankfort? They are admirably set forth in Mr. Deming's work on *The Government of American Cities*, as peculiarities of the European system when contrasted with our own.

The city has a local government clothed with power to satisfy all its local needs and conduct its local affairs according to a policy locally determined through the election of a local legislature in a campaign turning upon local political issues. It has no elected city officials except members of the city legislature. It has an administrative service the members of which obtain and hold their position irrespective of their opinions on either local or national political issues. It exercises its local powers without arbitrary interference from outside authority and the superior authority of the central government where there is occasion for its assertion is exercised through administrative methods.

But even this excellence in local form of government would be quite insufficient with an inexperienced community to accomplish the results which Frankfort has accomplished. For that purpose an electorate capable of exercising self-government and filled with a spirit of local as well as national patriotism is essential. The Frankfort form of government facilitates this and has developed it, but a long time was necessary for this purpose.

Frankfort was for a considerable period a free city and accustomed to self-government, but it has not greatly differed from other cities of Prussia in this municipal experience. A little over one hundred years ago that kingdom was in the lowest stage of political degradation. Its armies had been overthrown by Napoleon. Its territories had been divided. Its king was practically a fugitive, its institutions were disorganized and demoralized. Yet, in that dark hour there were three great men in charge; Schornhurst, who developed its admirable military system; Hardenburgh, who conducted its foreign policy and Von Stein, one of the greatest statesmen in history, who created anew its domestic institutions. The serfs were freed, public and university education stimulated and developed and local self-governing communities were created and grew up even under the military despotism. During the middle ages the cities of Germany had been centers of civilization. Von Stein believed that they might be so again and he conferred upon them the right to elect legislative bodies to manage their local affairs. The Bürgermeister was appointed for a long time; he was to be a man skilled in city government and the citizens who administered it were to have at least a small property interest as a guarantee for their qualifications and a proof of their stake in the public welfare. The forms of city government which he established were similar to that which exists in Frankfort today. They needed little change, for each community might develop according to its own needs. Germans have thus been well trained for municipal duty; trained by thorough education, by that sentiment of subordination, that instinct toward solidarity which military discipline instills. The burden of the army has been a heavy one upon Germany, but it has had a great compensation in that discipline, and

at this moment the German people, with some qualities which are not altogether amiable or attractive, possess, in my opinion, a larger share of civic virtue than any other people in Europe, except perhaps the Swiss. They are an honest and law abiding people. No money is spent in corrupting the electorate. Not only the law, but public sentiment renders this impossible. Peculation is almost unknown and the funds of the public are administered with fidelity and skill. It is only under such conditions that a city dare undertake the manifold industrial enterprises which the city of Frankfort is successfully pursuing.

Our own municipal education has not yet gone so far. We have still in our electorate a vast body of men with very dim notions of their municipal duties and with very little ability to perform them. A man high in Prussian service said to me "You will finally be able to do what we are doing, but it will still take you a long time. It comes by degrees." He spoke the truth. Municipal aptitudes are not made in a day. They grow with the development of municipal life. Our city governments have been the darkest stains upon our institutions. Things are now beginning to improve. There has been a great moral awakening among our people; the necessity of better government is perceived by all. The desire is there and we are gradually learning how we may obtain it. Not the least among the duties of the Municipal League is the duty of developing this sentiment of local patriotism. It might be unwise for us at this moment to attempt at once all the varied activities which are so successfully undertaken in Frankfort. We may have to content ourselves at first with smaller things. But it is high time to begin. We have immense aptitudes in other directions and we must make them available for the regeneration of our city communities. It is better to risk too much than to be dismayed from making any effort to extend the sphere of city activities.

Two thousand years ago Euripides wrote some lines that have been good enough to last:

Thou hast heard men scorn thy city, call her wild
Of counsel, mad; thou hast seen the fire of morn
Flash from her eyes in answer to their scorn!
Come toil on toil, 'tis this that makes her grand,
Peril on peril! Common states that stand
In caution, twilight cities, dimly wise—
Ye know them, for no light is in their eyes!
Go forth, my son, and help!

ANTI-TOXIN FOR MUNICIPAL WASTE AND CORRUPTION

BY RICHARD HENRY DANA¹

Cambridge

I HAVE tried to find a title for this address which would convey an idea I have in mind. I wish to show what I believe to be a fact—that there are certain internal diseases connected with our municipal government in America which act on the very circulation of our ordinary municipal life very much as hostile germs work in the human blood. It makes little difference whether one is tall or short, has red, blond, or black hair, eyes blue, gray, or brown, the germs act pretty much the same, and produce very much the same results. It would make little difference even if one had five heads like the giants of the fairy tales, or a hundred arms like the mythical Briareus, provided it was human blood that flowed in the inner veins.

Anti-toxin seems to be a treatment of the disease which introduces into the blood something to strengthen the good and wholesome germs, so that they can better resist the insidious attacks of the hostile microbes. In municipalities, I believe that it makes no difference whether we have one mayor or five mayors, city councils of one chamber or two chambers; whether the council members are elected at large or by districts, or whether the executive functions are given to numerous committees of a council which also has legislative powers; so long as municipal patronage, municipal contracts, municipal franchises, enforcement of laws and regulations, and the purchase of municipal supplies be left in politics will they be equally corrupting and enfeebling to the administration of city business. The way to overcome the insidious attacks of these baneful forces seems to be by some anti-toxin which, whatever the outward form of the municipal government may be, will strengthen ordinary municipal administration to resist these disease microbes.

I will not spend any time in proving that contracts, patronage, and the like, furnish the chief sources of power through which the political machines control municipal nominations and elections. For convenience I shall call these things municipal riches, and when used in politics as they now are, political plunder.

Now for the remedy. The serum of anti-toxin has a close connection

¹ Richard Henry Dana is chairman of the Council of the Civil Service Reform League and a member of the joint committee of that organization and the National Municipal League on the selection and retention of experts in city service. Mr. Dana's paper summarizes the results of the investigation carried on by that committee, although the views he expresses and the conclusions he draws are personal rather than official.

with the activities of the microbes of disease. Though the analogy is not perfect, the reform we suggest is to place this very food of the microbes of disease, this political plunder, where it will be out of politics, and cease to be plunder. In general, the remedy is to put these municipal riches in the hands of experts, and to give these experts sufficient power, independence, and length of tenure to keep them free from the exigencies of passing politics.

Before going further I should like to point out that there is a clear distinction between the policy-determining functions which I shall call political, and those of detailed expert administration. This distinction has been recognized both in theory and in practice in England, France, and Germany, and there the municipal governments are both efficient and honest; while in America the distinction has not been observed,—the same person performing political and expert duties—and in America the municipal government is neither efficient nor honest, as a rule. Those who determine the policies, the politicians in the best sense of the word, should be subject to frequent change in order to represent the popular will; while the expert in charge of detailed administration should have a life-career of public employment. It is therefore inconsistent that the same person should be both a politician and a supposed expert, or should have both a long and a short tenure. We should have, as they have in England, Germany, and France, different persons to represent these different functions.

Two more words about the expert before I advance further. There are, I believe, many positions like that of superintendent of streets, which it is popularly believed any one can fill just as well as an expert. I believe also, that it is because we have men without scientific training in such positions, that, for example, we almost never see true macadam put down on our streets. It takes some scientific knowledge to appreciate why five inches of broken stone will not do just as well as the eight inches required by MacAdam's rule; why these eight inches ought to be made of pieces of about the same size instead of wholly different sizes; and why proper drainage is so important for a lasting job.

The joint committee of the National Municipal and Civil Service Reform Leagues has employed an investigator who has studied the departments of several of our large cities and found not a few experts who have held their positions from fifteen to twenty years; but these are minor positions giving no independent power or, as a rule, no secure tenure. Their recommendations in favor of better work we know to be overridden by the political chiefs. Then too, it has been found, as by the Boston Finance Commission, that the best of these experts have had to yield to, keep silent about, or even further corrupt practices, though gaining no benefit thereby except to hold their places. Let me say, however, in fairness to such experts and also to make my point more clear, that it is their superior political chiefs who have the power to direct them secretly yet effectively

in every detail and to whom the experts are supposed to be loyal, who conceive and profit by the corruption.

Why is it, one may ask, that we think it safe to put the municipal riches into the hands of experts? First, the training of experts tends to exact painstaking and clear thinking, and such habits of mind tend to honesty. Secondly, if we gave the experts sufficient power and a tenure for good behavior and efficiency, subject to supervision by those who are not their political friends, wrong-doing would be likely to be discovered and their life-career and professional reputation would then be ruined; while the powers and independence of tenure we propose would free them from the entanglements of political intrigue. Let me put the matter in another way: we see and deplore the fact that municipal riches are used as corrupting factors in politics; and yet we leave these riches in the autocratic power of those bodies and persons who from the nature of their offices are, and indeed, should be, in politics. Why not put these riches, then, in the power of those who from the nature of their offices are not, if properly protected, and should not be, in politics?

Now, assuming that we have arranged to have the experts separate persons, how can we choose experts who will be honest and efficient and give them the power and tenure necessary for our purposes, and yet keep the balance between the public will and bureaucratic red tape? To select these experts, they should as a rule have entered the lower expert services of the municipalities through civil service examinations, and gradually have reached the higher positions by promotion. Sometimes, however, no one in the subordinate services will be found of large enough calibre to fill the higher positions, and original appointments from outside must be made. In such cases how can these higher positions be filled? They can be filled through the civil service methods which have frequently been successfully used in national, state, and municipal service, namely, by thorough inquiry into what has been the education, training, achievements, and executive ability of the various candidates, and a thesis prepared by each, which inquiry is conducted not by the commissioners or their regular office-force alone, but by independent experts of the kind required for the position to be filled. These examining experts are selected by the civil service commission, which aids them in their investigations and keeps the records, etc. In this way engineers, architects, superintendents of streets, city physicians, bacteriologists, foresters, assistant city solicitors, city and state librarians, and other officials requiring high scientific training and administrative and organizing capacity have been most successfully selected entirely independent of politics, and the very best men obtainable have been secured.

How are the experts selected in England, France, and Germany? In France and Germany nobody can receive appointment in the expert ser-

vices who has not secured a high degree from a public scientific polytechnic school or college, and these degrees are obtained by open competitions. In France some few places are filled by direct competition of the kind just explained. In England the positions are filled through committees of municipal councils. These committees, however, by long custom employ the very methods which, as I have just described, have been employed by our civil service commissions. There is no civil-service law in English cities; but the situation in an English municipality cannot be adequately comprehended without reference to the national so-called "Local Government Board." This board is composed of experts selected by civil service competition, acting under a parliamentary cabinet minister. The approval of this expert, civil-service appointed board is required for the appointment of medical officers, sanitary inspectors, public vaccinators, and officers of the poor-law guardians. This national board also audits all municipal accounts, and without its sanction no expenditures can be paid out of the loans or bond issues; while their sanitary and medical experts aid cities in epidemics, and their engineers advise in laying out new sewer or water-supply systems. To come back to the selection of experts, we suggest, in short, enforcing by law the regulated investigation which the appointing officer should make, but in our country so seldom does make.

Then as to the independence of tenure, these positions should be held during capacity and good behavior, and there should be no removal without publicity, such publicity as can be secured by a public hearing. How is it in England, France, and Germany? In a general way, the traditions and customs are such that no removals are made except for strong reasons; but in addition in England there is an association of the higher municipal officials in Great Britain of very great influence and power, and if any removals are made for improper reasons the whole matter would be made public by this well-known and trusted association. Then, too, the methods of selecting experts to fill vacancies are such that, as under our civil service laws, they prevent creating vacancies merely to fill them with party or personal favorites.

Abroad there is promotion, not only in the same service in the same municipality, but from the service of one city to that of a larger; so that these experts' careers are not limited to the size of the city in which they enter the service, but only by the highest positions in the larger municipalities of the country. Already in the United States we see the beginnings of this promotion from one state or city to another. Suppose, then, we select good and efficient experts, give them a secure tenure, and put the political riches in their control, how are we to secure the will of the people? Ultimately the public will should prevail; but we must be sure that it is in reality the public will, and not merely the whim, or prejudice, or corrupt motive of some political chief. The way the whole matter works in England, France,

and Germany is something like this: Expert heads of departments acting in a body lay out proposed budgets and suggestions for new policies. These then are accepted or modified as the policy-determining body wishes; and, finally, it is the experts that carry out the work, and enforce the laws and regulations imposed upon them. In addition, however, to appropriations and legislative orders there are often executive policies which the political head of a department believes the public wishes, and these should be carried out. How can this be done without giving the political chief so much control over the expert that he can compel the expert to turn over as political plunder the riches we have put in his hands? I reply, by publicity. When the political chief differs from the expert chief, the expert should be given the right to make his views public; and before he is overridden the political chief should be compelled to put himself on record, taking the responsibility openly and facing public opinion. Possibly in matters of contracts and purchase of supplies the political chiefs should be restrained from directing; and perhaps we should go further and require the whole policy-determining body to act before over-ruling the expert, rather than allow the political chief alone so to do.

I have spoken of a board of experts. In Europe and in England the expert heads in a municipality form a board, and sometimes there is a chief expert over the whole board; and to this board can be referred many expert questions which it would be safer not to leave to an individual, as, for example, the question whether open competition for public work needs to be suspended in a particular case.

On the whole, this board of experts is like some great imaginary machine which can not only build sewers, let us say, in the best and most economical manner, but keeps itself informed on all modern improvements in sewer building and can suggest public policies as to sewerage disposal. At the lever, however, should stand the policy-determining representatives of the people.

To England, Germany, and France it seems incomprehensible that we in America should even attempt to get municipal government without the splendid expert boards they have; and, far from interfering with wise political policies, it has been found that their system is of the greatest help to able public executives. In practice the experts do not obstruct, but rather promote, all wise policies. If, however (though it practically never happens in real municipal administration) the expert refuses to obey, or obeys in a half-hearted way, the publicly determined policies of the political chief or body, that should be ample cause for removal.

It should also be noted that this system of expert administration, directed and supervised by political chiefs, works equally well under different forms of municipal government and with various kinds of electorates, either with

strict property qualifications or with nearly complete manhood suffrage. In Germany a member of the "Deputation," or joint committee of the magistrate and the elective city council, supervises each administrative department. In Paris one of the "*adjoints*" elected by the people is over each department. In England a committee of the city council supervises each department with the experts under them.

If we adopted such a plan we should secure for the permanent heads of departments experienced men of high character and training and tenure based on merit and fitness, persons who believe in the merit system and wish to see its principle enforced even in the excepted places, and municipal contracts honestly and efficiently made and strictly carried out; clean streets and better security for the public health; a day's work for a day's pay; engineers and other scientific men encouraged to accept municipal work as a career; more independent supervision and investigation because the experts are not personal appointees of the politicians; better methods of accounting; continuity of public policies carried out on broad plans for the future; more definite fixing of responsibility between the political executives and the expert administrators; and finally, the removal of all political plunder from politics.

How can we apply such a system to our American cities? It could be most easily applied in the commission form of city government, which provides that those in charge of each department shall be immediately under the authority of the supervisors. It could also be applied where the heads of departments are under the control of political boards. In cities, and especially in large cities, where a mayor is the chief executive he needs some cabinet officers to aid him in determining executive policies and in supervising the departments. In a small city not carrying on much public business, the mayor might be the sole political head of all the departments. In larger cities we should doubtless need a thorough revision of the charter with reference to what positions should be purely political, and what should be expert; but in general it is believed that we should need not more than from four to eight political chiefs, helping to determine the policies of and supervising an equal number of large departments, each department having its expert chief with his expert assistants under him. In all kinds of municipal government we should need charter provisions giving to the experts the proper powers and independence of tenure, such as I have explained above, in order to accomplish the good we desire. In regard to law enforcement, I may say that twenty cities in Massachusetts have this year put their chiefs of police under civil service rules with the unanimous approval of the state association of chiefs of police.

Much has been said about "heads" of departments. This has caused confusion, because one person has in mind a political head, and another has

in mind an expert head. There should be both a political head and an expert head, each a different person and each with clearly defined powers.

Pope says:

For forms of government let fools contest,
Whate'er is best administered is best.

I have my doubts about this as I believe the public are as much entitled to the best tool as is a mechanic; but whatever truth this couplet contains, let me point out that the remedy here presented is one wholly connected with administration, and is aimed to get the best.

CITY GOVERNMENT BY COMMISSION: A REPORT¹

THE committee finds itself in agreement on the following interpretations of features of commission government.

MAJOR FEATURES

1. *Commission government is a relative success* as compared with the older forms. The people who live under it are generally more content. They feel that they are more effective politically and that commission government is an asset to their town. Substantial financial improvements have generally resulted, demonstrating a striking increase in efficiency and a higher standard of municipal accomplishment, and this may fairly be credited to the better working of the new plan.

2. This relative success of commission government *results primarily because it is more democratic* (i.e., sensitive to public opinion), than the old form. Among the features which undoubtedly are responsible for this increased sensitiveness are

a. Its "*unification of powers*" as contrasted with the old undesirable "separation of powers." The commission having all the power, has no one to blame for failure to please the public, cannot evade full responsibility, and having ample power to remedy each abuse, can be held responsible for any failure to do so. This stripping away of the old time protective confusion-of-responsibility exposes the commission to the direct fire of public opinion and makes its members personally targets for public criticism. The unification of powers unifies the whole governmental system, gives the government the single controlling brain which is necessary to a successful organism, prevents lost motion, "pulling and hauling," deadlocks, and ill feeling.

b. *The short ballot.* This makes each elective official conspicuous on election day and after; makes intelligent voting so easy that practically every citizen can vote intelligently without any more conscious effort than he expended on his business of citizenship under the old plan. The short ballot simplifies the whole work of citizenship so much that the citizens can handle their political affairs without employing a political machine

¹A special committee of the National Municipal League, consisting of William Bennett Munro, of Columbia, Prof. Charles A. Beard, of Columbia, Dr. Ernest S. Bradford of Washington, Clinton Rogers Woodruff, Philadelphia, Editor The NATIONAL MUNICIPAL REVIEW, and Richard S. Childs, secretary of The Short Ballot Organization, was appointed before the Richmond meeting to plan an analysis of commission government for discussion. The report of this committee as presented at the meeting is embodied in this article.

as an intermediary political instrument. The short ballot in small cities makes the politician and his machine superfluous, and thereby substitutes for the old oligarchy of political experts a democracy in which the entire populace participate.

Being acutely sensitive and therefore anxious to please, commission government has been giving the people better government because the people are and always have been ready to applaud honest and progressive government. A contributing factor undoubtedly is the fact that the radical change has usually awakened a fresh civic interest among the citizens, which runs along of its own momentum for a considerable time and does much to tone up every branch of administration.

Commission government could reasonably be expected to succeed with these features (unification of powers and the short ballot) alone, and no new city charter should ever be classified as true commission government which lacks these essentials.

OTHER FEATURES

3. *Non-partisan ballot.* The non-partisan method of election is highly desirable, but not absolutely indispensable, as the short ballot by making the party label a superfluous convenience, thereby destroys much of the label's influence anyway.

4. *The initiative and referendum-by-protest* have proved useful as provisions for allaying the time honored popular fear of entrusting large powers to single bodies. The sensitiveness of commission government reduces the necessity for these devices and instances of their use in commission governed cities are very uncommon. It should not be forgotten that Galveston and Houston, the first two cities to have the plan, made their success without these features. They have not proved dangerous or susceptible to misuse.

5. *The recall* is a desirable, but not indispensable extension and modification of the right to elect. We have no evidence that it has been misused. In several cases it seems to have been employed to good advantage. Under the sensitive commission plan it is less needed than with the old plan, and is more practical.

6. *The abolition of ward lines* is desirable in small cities, and has been generally welcomed as putting an end to numerous petty abuses. It tends to prevent petty log-rolling and emphasizes the unity of the city. Its importance, however, has been generally over-estimated, for there are many cities (Galveston, before the flood, being one), where ward lines have been abolished without developing any appreciable or permanent reform.

7. It is unsound and therefore unwise to make the commission *auditor* of its own accounts. This does not necessarily involve the independent election of a city auditor in all cities. Some authority, such as the gover-

nor, could appoint a State officer with power to investigate the accounts of all cities and to make his reports public. This is in line with the National Municipal League's familiar demand for uniform municipal accounting and reporting.

8. It is unsound to give the commission control over the *civil service commission* as in Des Moines, unless the civil service commission be given a protected and long tenure of office and rotation of appointment. The civil service commission might better be appointed by some remote authority, such as the governor.

9. *Mayor's veto.* It is doubtful whether the mayor should have a veto over his confrères, or in fact any added powers, lest he overshadow the other commissioners and attract the limelight at their expense, leaving them in obscurity where the people cannot intelligently and justly criticise and control them.

APPLICABILITY TO DIFFERENT SIZED CITIES

10. Commission government is in general to be recommended *for cities of 100,000 population* and under, and *possibly* also for cities of much larger size in preference to any other plan now in operation in any American city.

The maximum size which may wisely adopt the commission plan without any modification cannot as yet be established, as too few large cities have tried it.

The foregoing represents matters on which the whole committee substantially agrees.

The following are questions on which the committee did not agree and as practically all our work was done by correspondence it was impossible for the members to reason with each other and reach a conclusion. These matters are therefore submitted without conclusions in the form of subjects for further debate with a brief for each side.

11. *Should the election-at-large feature be retained in the case of very large cities?*

Yes. The abolition of the ward system in Boston brought excellent results in the composition of the council and is credited with having accomplished more in the way of breaking down the influence of the machine than any other feature of the new charter.

No. As the size of an electorate increases, the expense and difficulty of conducting campaigns for the office increases also, until they reach a scale where individual candidatures are balked and the support of an experienced political machine, as contrasted with that of a newly improvised machine, becomes so important to the success of a candidate as to give to existing machines a safe option in the choice of hopeful candidates. Officials when elected will thus be indebted to the machine, and the machines share

with the people in the control over the government which ought to belong to the people alone. If machines are to be abolished as influences in municipal politics, their monopoly must be broken and free competition established, and this can only be done by creating conditions under which electioneering machinery, adequate for the task, can be improvised in case the established organizations are insufficiently deferential to public opinion. For large cities, therefore, the commission plan should be changed to something more like the English or German plan of government by a ward-elected council of popular representatives, or possibly a plan of proportional representation could be worked that would be better yet. The requirement of residence in the district should be abolished.

12. *Should the size of the commission be radically enlarged in the case of very large cities?*

Yes. Five men are too few to represent the varied elements of a great population and will be too far from the people to be able to analyze public opinion by direct contact. The commission should therefore be enlarged but in a manner which will retain the short ballot. For moderate sized cities, the choice of only a part of the commission at a time would help, but in the larger cities a sub-division of the people by ward divisions or proportional representation seems advisable.

That a large body is not fitted for executive work is admitted (though such government succeeds in British cities) but the executive function can be delegated to a compact appointive committee, or, better, to an appointive chief executive as in German cities and in the so-called "Lockport (N. Y.) Plan."

No. The existence of the initiative, referendum and recall would be sufficient to keep any city government in touch with popular opinion.

The business of city government is almost wholly executive. The commission should therefore be an executive body first and last.

The theory that for very large cities the commission should be enlarged, is erroneous, since based on the belief that the greater the number of men, the better the representation, which does not follow. The enlargement of the commission is incompatible with the short ballot, unnecessary beyond seven or nine members and preferably five or less, and tends toward the same confusion and irresponsibility so prevalent under the present council system.

13. *Should the individual commissioners each be executive heads of departments?*

Yes. This feature is incidental to the "unification of powers" and a method of combining legislative and administrative control in the same body. Under many charters the commission is the legislative body, and *individually* the members of the commission, being each the head of a department, constitute the administrative force. The commission is not

a body of experts but a board of general managers whose oversight and general direction is required but who are to hire the experts and technical men for the various positions needed. It is not essential that the commission should be a true reflection of the population; but it is important that they (the commission) act for the entire population and represent it in the sense of looking after the welfare of the whole city. An advisory board consisting of laboring men, reformers, business men, some women, and all the other elements of the population might be a desirable help to a city governing body in formulating its course of action; but the real work must be done by a few men and these should be the commission.

There is no more danger of intrusting the individual commissioner with the carrying-out of the will of his confrères on the commission than of trusting the president of a corporation to carry out the will of the board of directors of which he is a voting member.

No. The feature of the usual plan which makes the elected officers administrative heads is unsound (except in the smallest cities where the communal work is of so simple a nature that it may safely be entrusted to any man of general common sense). Where the city work is considerable and technical, the requirements that elective officers shall be competent to perform executive duties is a denial of accurate representation to many large classes of the community, for the requirements practically attempt to limit the people to the selection of members of the employer class. Experts and executives cannot be effectively selected by popular vote, and their choice is not a natural popular function. The interest of the people is in representation. The commission should be a true reflection of the population. In a city with a large laboring class, the commission should contain a due proportion of laboring men, and in the natural desire for such representation *the people will elect such men anyway* regardless of their unfitness by experience for large administrative work.²

² The discussion of this report was somewhat curtailed at the meeting. Numerous questions were hurled at the chairman, but the fire was cut short before any real heat had developed. The tone of the discussion indicated a very general agreement with the conclusions of the committee.

At the round table luncheon, which followed, there was substantial disagreement by Admiral Chadwick of Newport, who challenged the commission plan for its failure to give adequate representation and upheld in preference the Newport plan which provides for an elective council of 195 members, chosen thirteen from each ward, who meet monthly, debate city affairs and instruct the other elective officers, who consist of a mayor and five aldermen constituting the administrative side of the city.

In general the trend of the discussion was to the effect that the commission was by no means the ultimate form of American municipal government, but a transitional form which was destined to lead on to the wholesale cleaning up of myriad ancient abuses.

It is obvious that the National Municipal League can do splendid service in watching commission government, giving warning promptly of any weaknesses that may

LIST OF CITIES ADOPTING A COMMISSION FORM OF GOVERNMENT IN
1911

NEW ENGLAND DIVISION

MAINE

Gardiner.....	5,311
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MASSACHUSETTS

Lawrence.....	
Lowell.....	Charter..... 106,294

NEW JERSEY

Hawthorne.....	State Law.....	3,400
Irvington.....	State Law.....	11,877
Margate.....	State Law.....	129
Ocean City.....	State Law.....	1,950
Passaic.....	State Law.....	54,773
Ridgewood.....	State Law.....	5,416
Trenton.....	State Law.....	96,815
Wallington.....	State Law.....	3,448

SOUTH ATLANTIC DIVISION

WEST VIRGINIA

Parkersburg.....	Charter.....	17,842
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NORTH CAROLINA

Greensboro.....	Charter.....	15,895
Wilmington.....	Charter.....	25,748

GEORGIA

Cartersville.....	State Law.....	4,067
Marietta.....		

FLORIDA

Green Cove Springs	
Passe a Grille	

develop so that they can be corrected before the plan in general gets discredit, and making plain by analysis the real essential merits of the plan to the end that they may not be overlooked and dropped out as the plan spreads.

The commission plan spread its wings over a 10 per cent increase of population as a result of various elections and referenda on November 7, the total population of the cities under the plan now being 3,894,173.

The following list was prepared by the Editor of the NATIONAL MUNICIPAL REVIEW in coöperation with the officers of the Short Ballot Organization.

ILLINOIS

Braceville.....	State Law adopted by city.....	
Carbondale.....	State Law adopted by city.....	5,600
Clinton.....	State Law adopted by city.....	5,165
Decatur.....	State Law adopted by city.....	31,140
Dixon.....	State Law adopted by city.....	7,216
Elgin.....	State Law adopted by city.....	25,976
Forest Park		
Hamilton.....	State Law adopted by city.....	1,627
Hillsboro.....	State Law adopted by city.....	3,424
Jacksonville.....	State Law adopted by city.....	15,326
Kewanee.....	State Law adopted by city.....	9,307
Moline.....	State Law adopted by city.....	24,199
Ottawa.....	State Law adopted by city.....	9,535
Pekin.....	State Law adopted by city.....	9,897
Rochelle.....	State Law adopted by city.....	2,732
Rock Island.....	State Law adopted by city.....	24,335
Springfield.....	State Law adopted by city.....	51,617
Spring Valley.....	State Law adopted by city.....	7,035
Stirling.....	State Law adopted by city.....	7,467
Waukegan.....	State Law adopted by city.....	16,069

MICHIGAN

East Jordan.....	Home Rule Law.....	2,516
Fremont.....	Home Rule Law.....	
Pontiac.....	Home Rule Law.....	14,532
Wyandotte.....	Home Rule Law.....	8,287

WISCONSIN

Oshkosh

WEST NORTH CENTRAL DIVISION

MINNESOTA

Faribault.....	Home Rule Charter under State Law.....	9,001
St. Cloud		

SOUTH DAKOTA

Lead.....		8,392
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KANSAS

Chanute
 Manhattan
 Pratt

NEBRASKA

Beatrice		
Omaha.....	State Law.....	

WEST SOUTH CENTRAL DIVISION

KENTUCKY

Lexington.....	35,099
Newport.....	

TENNESSEE

Chattanooga.....	44,604
Knoxville.....	Special Charter..... 36,346
St. Elmo.....	Charter..... 2,426

ALABAMA

Birmingham.....	State Law..... 132,685
Cordova.....	State Law..... 1,747
Gulfport.....	
Hartselle.....	State Law..... 1,374
Huntsville.....	State Law..... 7,611
Mobile.....	State Law..... 51,521
Montgomery.....	State Law..... 38,136
Talladega.....	State Law..... 5,854
Tuscaloosa.....	State Law..... 8,407

MISSISSIPPI

Clarksdale.....	4,079
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OKLAHOMA

El Reno.....	Home Rule Charter..... 7,872
Guthrie.....	Home Rule Charter..... 11,654
Holdenville.....	Home Rule Charter.....
Lawton.....	Home Rule Charter..... 7,788
Oklahoma City.....	Home Rule Charter..... 64,205
Stillwater.....	Home Rule Charter..... 3,444

TEXAS

Port Arthur

MOUNTAIN DIVISION

MONTANA

Missoula.....	State Law..... 12,869
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WYOMING

Sheridan.....	State Law..... 7,522
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UTAH

Logan.....	
Murray.....	State Law..... 4,057
Ogden.....	State Law..... 25,580
Provo.....	State Law..... 8,925
Salt Lake City.....	State Law..... 92,777

PACIFIC DIVISION

WASHINGTON

Centralia.....	4,507
Chehalis.....	8,171
Hoquiam.....	14,082
North Yakima.....	104,402
Spokane.....Home Rule Charter.....	19,364
Walla Walla.....Home Rule Charter.....	

CALIFORNIA

Monterey.....Home Rule Charter.....	4,923
Sacramento.....Home Rule Charter.....	
San Luis Obispo.....Home Rule Charter.....	5,157
Santa Cruz.....Home Rule Charter.....	11,146
Stockton.....Home Rule Charter.....	
Vallejo.....Home Rule Charter.....	11,340

ECONOMY AND EFFICIENCY IN HEALTH ADMINISTRATION WORK

BY SELSKAR M. GUNN¹

Assistant Professor of Sanitary Biology and Public Health, Massachusetts Institute of Technology

ANY estimate of what constitutes economy and efficiency in health administration work cannot be regarded as satisfactory until the true functions of a health department have been properly defined. Such an understanding has not yet been attained, although the progress of sanitation in the last few years, resulting largely from the wonderful discoveries of bacteriology and the remarkable achievements of epidemiology, is gradually bringing a truer conception of the nature of those conditions which have not imaginary, but real health significance. A study of the annual reports of various health departments of this country reveals great variation, both in the objects pursued and in the detailed methods of attack.

Health authorities are being relieved gradually of the burdens of garbage and refuse collection and disposal, plumbing inspection, poor relief, and general hospital maintenance—matters of slight if any health significance. Consequently they are becoming more and more able to devote their whole time and energy to questions of real sanitary import, to the solving of problems which will actually result in the decrease of preventable sickness and in conserving human life and happiness. Again, it is generally conceded that at the present time health departments are usually inadequately financed. New funds are not granted for the furtherance of the work of the department, or if so, to only a limited extent. It is doubtful however, if the funds now actually at the disposal of the health authorities are being spent with *real* economy.

One of the chief causes of inefficiency and lack of true economy is to be found in the lack of proper knowledge as to the comparative importance of the various branches of work which may be pursued. A health commissioner is confronted with the question of what he ought to do to improve the sanitary status of his community. He has limited funds, and consequently cannot do all that he might wish. "Shall I make a special effort to curb tuberculosis, or devote my resources to improving the milk supply?" "Should meat and food inspection be developed before factory inspection?" Questions similar to these are constantly confronting every modern sanitarian in charge of a city health department, and the decisions that have to

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be made are not always easy or evident. However, it is only by developing such a sense of proportion that efficient administration can be obtained.

It is natural that health department organization should be far from perfect in most places. Their growth has often been unplanned, and the lack of knowledge in the past has largely prevented an orderly and scientific development. What might have been considered good organization twenty years ago would not be able to stand criticism in the light of modern discovery. We find at the present time that certain lines of activity receive far more attention than their actual importance would warrant. Excessive emphasis on meat and food inspection, and an accompanying neglect of milk supply supervision is a good example of this. The particular hobby of a health commissioner may lead to an unbalanced state of affairs, and is to be particularly guarded against. Again, the special prominence of some problem may lead the health officer to undertake work out of all proportion to the actual needs, and to the detriment of some other part of the service.

An interesting example of the great variation in the activity of health authorities with regard to work of the same character has recently come to my attention and will bear repetition here. The number of samples of milk and cream examined chemically in twenty-seven large cities of the United States varied from 4 to 344 per 10,000 of population, and the number of samples of milk tested bacteriologically in twenty-four of these cities varied from 0.6 to 288 per 10,000 population (these figures are for the years 1909 and 1910). While it is improbable that a standard number of analyses based on the population could be set, it is not unreasonable to maintain that these figures show that the health departments of some cities are devoting too much attention to this work and are allowing other lines of work to be neglected, while other cities are neglecting this work although they may be overemphasizing in some other direction. It certainly seems that those cities which are making so many chemical analyses are really going to excess in this particular, and that no added benefit in the form of a purer milk is being obtained for the city on account of this *unusual* activity. In one of the large cities which analyzes a great number of samples, the dairy farm inspection work of the department is practically *nil*, the inspectors having to spend so large a part of their time in the laboratory testing samples. The law of diminishing returns is a real factor in inspection work.

If we could really get at the relative importance of all the activities of a health department, we would be in a position to apportion the necessary funds in a scientific manner, giving due weight to each line of work.

The death rate of a city cannot be used as a measure of the efficiency of the health authorities. The fallacy of this method of determining the health status of a community has been conclusively demonstrated. Most careful studies of vital statistics are necessary and the good derived from some lines of endeavor cannot be demonstrated by any statistical methods

yet devised. The remarkable statements of some health officers concerning the health of their city would be amusing if they were not so serious as indicating ignorance on the part of these most important city officials.

Apparent economy may be attained by an untrained man, but in most cases true economy, combined with efficiency, cannot be had unless the health administration is in the hands of an individual thoroughly trained in the sanitary arts. It cannot be expected that any one who has not received special training, or who has had merely the few hours of hygiene allotted to the subject in a medical school curriculum, is a proper person to be put in charge of the public health activities of a community. The first essential for any city which is honestly seeking to maintain a health department of real value is to secure the services of a trained sanitarian. There is no alternative in this matter. For small communities which are unable to pay for the services of such an individual, it has been suggested that neighboring communities may combine, and so secure the services of an efficient man who shall be the executive for all.

A comparison of the requirements for employment in public health service in this country with those of England, Germany, and other European countries, reveals to us a quite unsatisfactory condition. In the foreign countries special evidence of fitness is essential. New Jersey, in the past few years, has required all persons who desire to enter public health service anywhere in the State to pass an examination, and to obtain a license. By this means many who are unfitted by lack of knowledge and training have been excluded from the service. Other States might well copy this progressive step. Too long have we played with the public health. It is a disgrace that severe epidemics are necessary to bring home the lessons of inefficient service. Nor does the necessity for trained officials end with the appointment of a health officer or commissioner. His subordinates should likewise be subjected to suitable examination. The growth of the civil service is a step in the right direction.

Among the common methods used by some health officers to combat insanitary evils is what I shall term, for want of a better word, the "outburst" method. I refer to transitory outbursts of activity directed at some particular business or condition which is supposed to have a bearing on the public health. Sometimes the bakers or ice cream dealers are subjected to a sudden and severe examination as to the sanitary conditions of their places of business, or maybe the fly nuisance is selected for a special campaign of theoretical extermination. While this method of occasional activity is sometimes the only available one for an under-manned department, and occasional inspection and sampling are better than none at all, yet I venture to remark that eminently better results could be obtained by regular and reasonable inspection.

It should always be borne in mind that the strength of inspection lies in frequent *reinspection*. Furthermore, the persons concerned prefer a regular inspection and certification. What health officers need is the coöperation of the public, and particularly of those engaged in industries or affairs which have a bearing on the public health. The educational value of frequent and friendly inspection needs no special argument to any who have been working on the problem of dairy farm inspection.

Real efficiency naturally incorporates in it economy. As has been pointed out by the Bureau of Municipal Research of New York City the question "whether administration has been economical or wasteful can be determined only by contrasting cost with service results." The investigators of this bureau have emphasized the proper recording of service results, and especially at times when the budget is being considered.

While it is true that it is difficult, and at times impossible, for a health department to demonstrate by means of figures the actual beneficial results of various of its activities on account of the complexity and diversity of conditions which may produce a particular disease, yet in certain lines it is eminently practical. We can see it in this city of Richmond in the reduction of typhoid fever, and in the improvement of the milk supply. The results of efficient service are demonstrated in the annual reports of the chief health officer, Dr. E. C. Levy, whose brilliant work has attracted the attention of all progressive sanitarians in this country. Methods similar to those used here should be employed elsewhere. They are essential for scientific budget making and should be a great aid in asking the city fathers for more money. Even at the best it takes time to get the needed appropriation, but this time may be considerably shortened by using modern methods to demonstrate the needs.

Accounting methods of health departments as evidenced by the financial statements contained in their annual reports are in need of some standardization if proper use is to be made of them. It is almost impossible for cities to compare their expenses with other similar communities. The Massachusetts Association of Boards of Health some months ago appointed a committee to draw up an outline of a form for use by the local city boards in their annual reports. The form of the financial statement is being carefully considered by this committee as an important part of its work.

In a number of cities bureaus of municipal research are in operation, and are doing constructive work in reorganizing the activities and accounting methods of the health departments. This should have a very beneficial effect if carried on with the proper coöperative spirit, and should assist materially in the preparation of a sensible and clear budget that will interest the citizens and win their support.

In conclusion, it seems to me that in order that we may have health departments both economical and efficient, we must free them from poli-

tics with its accompanying uncertainties and strife, and place them in the hands of trained sanitarians who shall understand the relative importance of the different lines of endeavor and who will then be able to disburse an adequate appropriation in such manner that the community will receive the maximum protection at the lowest possible cost.

PRIVATE HOUSES AND PUBLIC HEALTH

BY JOHN IHLDER¹

New York.

LAST spring we held in New York the first National Conference on Housing in America. At that conference the health commissioner of the city where life is said to be worth living, seized every opportunity to declare that the first thing we need is education. It is perhaps safe to assume that he meant the education of the people, not the education of health officers, for the university of his State has recently conferred upon him an honorary degree because of his efficiency. And there is no question that the honor was earned, for he has made a remarkably good record during his years in office.

Yet there are many important questions regarding the health of the people under his charge which no health officer in America can answer. This is not because the answers are unfindable, it is because our education in matters of public health has scarcely passed beyond the primary stage. Pure water and clean milk represent to most of us the utmost attainable municipal heaven. Further than that we do not aspire to go, contenting ourselves with building hospitals, sanatoria, insane asylums, etc., to take care of the human wastage which "always has been and always will be."

This fall I tried to learn how far the education demanded by Dr. Kiefer had been pursued by the men who should know in a dozen of our large cities. I asked if they could give me accurate data showing the effect upon health of privies and out-door waterclosets, windowless rooms, overcrowded rooms, and fermenting manure and garbage piles. From Cleveland alone did I get any encouragement. There they promised to undertake this study and send me the results. I believe that the study is now being made. From all the other cities word came that the information was not obtainable or that the task was too great to be undertaken.

Do not misunderstand me. These answers did not mean that we have no evidence that privies and out-door waterclosets, windowless rooms, overcrowded rooms and decaying refuse are inimical to health. Such evidence exists in abundance. But we have never made a thorough and scientific study of these evils as they affect a large population, and compared the health of that population with the health of another of the same economic status, similar racially and socially, but less exposed to such unwholesome conditions.

¹ John Ihlder is the field secretary of the National Housing Commission and was formerly the secretary of the Civic Committee of the Grand Rapids Board of Trade. He is also secretary of the League's committee of Civic Secretaries. Mr. Ihlder has traveled widely in the interest of his work and his paper represents not only his close office study of the question, but observation on the field.

To some of you such a study may seem purely academic. If we know, as we do, that a manure pile over one week or ten days old swarms with flies which have bred in its fetid warmth; if we know, as we do, that those flies have an indiscriminating palate which permits them to eat and drink the food we have set for ourselves in pantry and dining room immediately after they have fed in the privy; if we know, as we do, that the fly carries on his feet and in his stomach the stuff he found in the privy and wipes his feet on our bread and our butter and washes them in our milk; if we know, as we do, that the germs of disease, such as typhoid, are held by the human excreta and carried with it by the flies to our tables where it is transformed from fly food into human poison, surely, you may say, this is all that it is necessary we should know. But try to enact or enforce a law abolishing privies in a crowded section of the city and you will find, as did the Civic League in St. Louis and the State Board of Tenement House Supervision in New Jersey, that the privy infested parts of St. Louis have less typhoid than those where waterclosets are the rule, that Jersey City apparently thrives on flies and privies while Newark pines for them. And with our lack of education we are unable to give the answer. We know there is an answer, but we can't find it when needed.

A few weeks ago I made a housing investigation of Paterson, N. J. Paterson has, as such things go in America, an efficient city government. There are no glaring, obvious weaknesses which he who runs may note. But the chairman of the committee which called me in told me that in looking up the answers to some of my questions he had found that the birth of one of his children had never been registered. Charles B. Ball, chief sanitary inspector of Chicago, not long ago addressed a meeting in a Wisconsin town, a town within the registration area, the statistics of which are considered fairly reliable. He had secured from the health officer a statement of the number of deaths for the year, 289. At the end of his address a gray haired gentleman tapped him on the shoulder and said, "I am the principal undertaken here. I buried 397 last year and there are two other undertakers who make a living somehow in this town."

These anecdotes may contain the answers which the Civic League and the board of tenement house supervision were seeking.

But it is not alone in this phase of their education that our public health officials are lacking. Our office is now receiving the answers to some questions on health and housing which we addressed to the heads of State and city health departments. Among them are these: First, from the secretary of a State Board: "Our present State constitution, having been adopted in 1818, does not mention public health nor deal with housing in any way. We have a state tenement house law . . . amended at the session of the legislature just adjourned. Copies have not yet been printed for distribution."

At the time that letter was written I had had copies of the amended law on my desk for three weeks. This law applies to all cities and boroughs. Its predecessor, passed in 1905, applied to all cities of 20,000 population or over. The health officer of a city in that state, which in 1900 had over 50,000 inhabitants, wrote on the same day as the State official's letter quoted above, "We cannot advise you to any extent on this important question as very few of our ordinances or regulations, in regard to health, are printed In answer to some of your questions we will say that there is a provision in our State constitution dealing with housing and the public health. Also, a State health law which applies to our city. There is no State law which affects housing conditions in our city. . . . Our city has a tenement house law. Sorry that we cannot supply you with more information. Respectfully, ———."

When I was a newspaper reporter I learned that it is never safe to trust implicitly to what one man may tell you, no matter how well intentioned he may be.

All this illustrates what Dr. Kiefer said, the need of education, but not only on the part of the public. We need education as to the facts and we need education as to the significance of those facts. No men realize this more keenly than some of the health officers themselves. Mr. Ball, in an address before the Chicago Association of Commerce last August, said "We know something about our mortality. But we do not have opportunity to classify and study and arrange those facts as we ought to have them arranged Our birth rate is unknown. What would you think of a business which has no record of its receipts—of its income? We can not control the infant mortality in Chicago till we know how many babies are born and where they are born. That data is absolutely lacking. You are more interested in the question of the economic loss. We know nothing of that to speak of. There are cities in the world that have a fair knowledge of the economic loss to industry which comes from disease and death."

In those last three sentences Mr. Ball struck a responsive chord. His story was not a mere pitiful tale of the slum to wring sentimental hearts; it is a record of business. Bad housing, disease, preventable death all figure on the debit side of the ledger. A life is worth so many dollars. The members of the National Municipal League who attended the Pittsburgh conference, at which the Pittsburgh Survey was first exhibited, remember how forcefully this fact struck the business men of the steel city, how the president of their chamber of commerce figured that typhoid had caused them an economic loss in workers killed equal to a \$3,000,000 steel mill paying 10 per cent each year. Mr. Ball figured that lowering the death rate of Chicago 4.9 per thousand will mean the saving of 12,250 lives a year. This, at \$5,000, "half the official valuation of \$10,000 placed on a

life by the Illinois legislature," would mean an annual saving of \$61,250,000, an amount well worth any city's consideration.

But if we would learn something of the value of the various factors which must be dealt with in effecting this saving, we have to turn to Europe, where education along these lines is somewhat farther advanced than it is with us. This is not so much of a discredit to us as the bald statement seems to imply, for the European nations owe their progress to war and the preparation for war. Naturally then Germany preceded England which did not begin to act with vigor until the call for volunteers for South Africa showed that of 11,000 applicants in Manchester only 3,000 were physically fit to enter the army.¹ Such showings raised a storm in parliament where it was admitted that Great Britain's military and industrial future were seriously threatened by this deterioration in its men. The result was an investigation by a royal commission which reported that, next to improper food, the principal cause of the deterioration was the crowding of the population in unsanitary houses.

There have been a number of local investigations which point the same way. The medical officer of health for Finsbury, London, found in 1906 that in his district (population, 1901, 101,463) the death rate per thousand was over six times as great in one room tenements as in those of four rooms or more.

	per 1,000
In one-roomed tenements.....	39.0
In two-roomed tenements.....	22.5
In three-roomed tenements.....	14.8
In four-roomed tenements (or more).....	6.4

In Glasgow (population, 1901, 761,712) an investigation in 1901 had led to a similar conclusion:

SIZE OF HOMES	PER CENT OF POPULATION	PER CENT OF DEATHS
One room	13.7	22.0
Two rooms.....	45.8	47.8
Three rooms.....	19.9	13.4
Four rooms and upward	17.9	9.2

Report of Medical Officer of Health.

This was buttressed by an investigation made by the Glasgow school board in 1905-06, which showed that children whose homes contained one or two rooms are smaller and lighter in weight than those brought up in larger homes.

¹Report of Committee on Physical Deterioration. 1904. P. 14, Minutes of Evidence.

72,857 Children aged from 5 to 18 Examined.

	WEIGHT	HEIGHT
	<i>Pounds</i>	<i>Inches</i>
Boys from one-roomed homes.....	52.6	46.6
Boys from two-roomed homes.....	56.1	48.1
Boys from three-roomed homes.....	60.0	50.0
Boys from four-roomed homes (or more).....	64.3	51.3
Girls from one-roomed homes.....	51.5	46.3
Girls from two-roomed homes.....	54.8	47.8
Girls from three-roomed homes.....	59.4	49.6
Girls from four-roomed homes (or more).....	65.5	51.6

Similar results have followed such investigations in Germany. Horsfall quotes the results obtained by Kugler in Baden, which indicated that room crowding increases tuberculosis. In America one of the most valuable investigations was that undertaken by the Merchants Association of New York, which showed the close relation between the decomposing sewage along the water front and the typhoid cases that formed an edge, fly distance wide, along the line of the docks.

Of course these tables are not proof that bad housing alone produces the evils shown. There are other causes, such as mal-nutrition. But the tables are indicative of the important part which must be credited to bad housing.

Though the education of our people and of some of our health officers has not progressed far enough for us to understand the significance of such facts, or even to know that such facts exist, some of our industrial leaders have begun to understand. There are in the United States today over twenty industrial villages or suburbs created by men or corporations who employ great numbers of workers. These villages and suburbs, some of which deserve the term "model," were created for business, not sentimental reasons. The men responsible for them believed that wholesome living conditions meant more efficient workmen. Unable to provide wholesome living conditions in the cities, they moved outside. Here again we must go abroad for the facts which tend to support this belief, though such facts should be obtainable in America. Four miles from the workingmen's district of Birmingham is the model industrial town of Bournville. Out of every 1000 children born in the first, 331 babies die. Out of every 1000 born in Bournville, only 65 die.

Have we not passed the time, however, when a few leaders shall monopolize the benefits of the knowledge that wholesome housing is a business asset? We can not scatter all our factories broadcast over the land, each in its own little village. The vast majority will remain in the cities. But this does not mean that we must continue to suffer the annual loss of thousands of preventable deaths, the greater loss of millions of lives only partly

efficient. Once a considerable part of our people become educated these old, paralyzing evils will be wiped out. Though we may not be able to prove that privies and dark, overcrowded rooms cause the death of so many persons per thousand each year we have testimony strong enough to arouse our attention. Miss Harriet Fulmer, head of the Visiting Nurse Association in Chicago, told the National Conference of Charities and Correction, at its meeting in this city three years ago that bad housing is the chief cause of poverty. Said Miss Fulmer:

Not long ago someone gave out some very interesting data as to the causes of poverty and asserted that drunkenness led the list. But they should have gone one step farther back and asked what led to the drunkenness. *Bad Housing!* Two-thirds of the delinquent children come from homes where dirty and ill ventilated rooms predominate. Two-thirds of the physically ill children from the same. One-third of the mentally deficient from the same. One-third of the shiftless mothers from the same. Two-thirds of the deserting fathers from the same. To bad living quarters can easily and without exaggeration be attributed two-thirds of the necessity for much that we call 'problems' in our reform work. Just as long as we have bad living quarters to offer the less fortunate, so long must we have expensive reform measures. Why pour water into a sieve by being content to let greedy or indifferent landlords, ignorant and careless municipal authorities, politics and what-not, interfere with the humane work of tenement house reform?

Such testimony is being noticed. Five months ago Mr. Hiram J. Messenger, actuary of the Travellers Insurance Company, placed before the Association of Life Insurance Presidents the result of a study he had just completed of sanitary conditions in thirty-two American cities. This report seemed so important to the presidents of the great insurance companies that they had a large edition printed for distribution. Their motive is frankly stated in the report:

The success or failure of a life insurance company, assuming honest and intelligent management, depends upon three things—the expense rate, interest rate and mortality rate; and in a thoroughly established, well conducted company these factors are of approximately equal importance. As a rule companies have paid great attention to the expense rate and the interest rate in all its bearings upon the business, but in the matter of mortality rate, in all the wonderful development of life insurance in this country the past sixty years, the efforts to secure a favorable mortality have been practically confined to the benefits resulting from a careful initial selection of risks, while the question of what can be done to lower the mortality rate and to keep down the claims by efforts to postpone or to prevent the death of the insured while the policy is in force has hardly been given serious consideration.

Here is a field of work which it is possible to make of really great importance. Life insurance executives have the reputation of being shrewd,

practical, level-headed business men who know their own interests. Here is an opportunity for them to do a great work for humanity and at the same time directly benefit their own companies and policy-holders. Here is a wholly neglected field of activity having a direct bearing upon the financial success of the business which they are conducting.

Certainly the time must be near at hand when a health official seeking information about the standing of his profession in the eyes of American citizens will *not* find, as Dr. Palmer of Springfield, Ill., did last winter, a city of 10,000 population which pays its health officer \$25 a year; another of 20,000 which expects its police matron to look after its health affairs, when not otherwise engaged; another whose health officer received his job because he had lost a leg and had no means of livelihood.

A life is coming to be regarded as a commercial asset. It must be made to yield as much as possible on the investment. And sad though it may make some of us to admit it, therein lies our hope of making our cities what the boosting clubs are so fond of calling them, "cities of homes." It is not due to fine spun theory, but to claims of efficiency and economy that the commission form of government and the short ballot are finding favor in our eyes. It is not due to pitiful tales of suffering and wrong that our cities are beginning to consider the possibility of wiping out the slum. It is due to the growing realization that the slum means an economic loss, that its presence indicates ignorance on the part of the citizens and inefficiency on the part of the government.

THE DEFEAT OF THE TAMMANY-GAYNOR CHARTER

BY LAURENCE ARNOLD TANZER¹

THE career of the "Tammany-Gaynor" charter for New York City, which failed of passage at the last session of the New York legislature, was a curious episode in the history of charter making. Its defeat was a signal triumph of civic coöperation.

For some years the need of revising the charter of the city of New York has been under discussion. There has been no official compilation of the laws relating to New York City since 1882, when the legislature adopted the consolidation act, codifying the laws relating to the city of New York as then constituted. In 1897 the city of Brooklyn and other communities were consolidated with the city of New York to form the Greater New York. The government of the consolidated city under a borough system was provided for in the Greater New York charter passed in that year. That statute was a bulky instrument which established the outlines of the new government and prescribed numberless details, but did not contain all the law relating to the city. On the contrary, it left in force and extended to the consolidated city all provisions of the consolidation act and of all other statutes relating to the former city not inconsistent with the provisions of the new charter, and did not repeal any provisions of law applying to the other merged localities which were not inconsistent with the new charter.

In 1901 the Greater New York charter was extensively revised, but no substantial change was made in the general condition of the laws affecting the city. To ascertain the law on any question relating to the government of the city has thus become a task attended with great difficulty and uncertainty. This condition, as well as the obscurity of much of the legislation itself, has given rise to a well founded demand for a comprehensive revision of the charter. Experience has also indicated the desirability of some changes in the distribution of administrative functions; such changes, however, could be made and have in many instances been made by specific amendments to the existing charter.

A commission was appointed in 1907 to inquire into the government of the city and its charter and to suggest changes. That commission reported to the legislature January 1, 1908, recommending important changes in the government of the city and advocating the enactment of a home rule char-

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ter which should provide only the outlines of the city government, and of an administrative code to provide for administrative details and to be subject to amendment and amplification by the local legislature. Under an act passed by the legislature of 1908, the so-called Ivins commission, consisting of the former commission with additional members, was appointed to prepare such a charter and administrative code. Drafts were prepared and submitted to the legislature of 1909, too late in the session and too incomplete in form, however, to permit of adequate consideration in that year. Some hearings were had which developed wide difference of opinion on some of the principal recommendations, and a special joint committee of both houses of the legislature was appointed to examine and consider the proposed charter and administrative code.

The legislative special committee (known as the Hammond committee) reported to the legislature of 1910 and expressed its approval of some of the recommendations of the Ivins commission, but disagreed with others. The legislature enlarged the membership of the special committee and instructed it to draft a charter along the lines suggested by it. The committee proceeded to carry out these instructions with such energy as to present a proposed new charter at the very same legislative session,—in the form at first of twenty-six bills, each containing a separate chapter, afterwards consolidated into one bill known as the Hammond charter. The result of this hasty work was so defective that the legislature declined to pass it, but despite the protest of the Citizens Union that the work of drafting a charter should be done by experts allowed enough time to do it properly, extended the life of the committee and directed it to report further at the session of 1911.

No substantial progress was made in the work of charter revision until after the State election in November, 1910, when a democratic governor and a democratic legislature were elected. Mayor Gaynor, who had been the only candidate on the Tammany ticket elected the preceding year and who found himself in a minority in the board of estimate and apportionment, the city's chief governing body, apparently thought that he saw an avenue of escape from this, to him, uncomfortable situation. He put his corporation counsel to work upon a charter to his liking. When his intention of presenting it was announced, the legislative special committee, with the aid of experienced legislative draftsmen, hastily prepared a revised edition of the Hammond charter. Both bills were introduced in the legislature March 31, 1911. Tammany Hall, which dominated the legislature, let its intention be known of passing the mayor's charter, generally spoken of as the Gaynor charter, and the Hammond charter was speedily lost to sight.

The Gaynor charter was ostensibly based on the Hammond and Ivins charters, but this was only a pretence. It did not contain the important features of either. It left substantially unchanged in constitution the noto-

riously inefficient board of aldermen for which the Ivins commission had recommended the substitution of a small unpaid council—a recommendation with which the Hammond committee however did not agree. It continued the condition under which jurisdiction over the streets is divided between the borough presidents, the street cleaning commissioner and the commissioner of water supply, gas and electricity, which the Ivins commission attempted to solve by concentrating this jurisdiction in a single department of street control, and which the Hammond committee attempted to solve by a simplification and coördination of powers. It continued the division of control over city hospitals among the departments of charities, health and the trustees of Bellevue and Allied Hospitals, to cure which the Hammond committee had recommended a single department of hospitals under a board of trustees and a commissioner appointed by them. It did not attempt to solve the problem of police organization, as to which the Ivins commission had recommended that a superintendent of police appointed from the uniformed force should be the executive head of the uniformed force, a recommendation with which the Hammond committee had disagreed. It made no constructive improvements in the government of the city sufficient to justify a new charter; it did not embody a revision of the laws relating to the city. Its whole purpose was to satisfy a mayor greedy for power and impatient of the limitations which the voters had placed upon him. The bill proposed to reverse the result of the 1909 municipal election by transferring to the mayor's appointee, the chamberlain, some of the most important bureaus and functions of the comptroller; by transferring directly to the mayor the bureaus of buildings now under the borough presidents; by giving the mayor the appointment of a city architect and a city engineer who were to be the architect and engineer of the borough presidents; and by largely increasing the mayor's power in other respects. The mayor and his appointee, the corporation counsel, were made a majority of a new board of administrative detail with power to determine all questions of the powers of all officers and departments. At the same time provisions for the mayor's accountability were weakened. The commissioners of accounts were reduced in number from two to one and prohibited from making investigations except when directed by the mayor. The comptroller's bureau of municipal investigation and statistics was taken away from the comptroller and its powers transferred to the commissioner of accounts appointed by the mayor. The comptroller's auditing power was taken away and transferred to the corporation counsel appointed by the mayor.

Civil service restrictions were to be broken down by abolishing the supervisory power of the State civil service commission and giving the municipal civil service commission practically unlimited power. For the present unpaid board of education a new paid board appointed by the mayor was substituted, and the political appointment of teachers made possible by abolishing the

requirement for their appointment upon the nomination of a non-political board of superintendents from the highest candidates on the examination list. Other dangerous innovations were contained in the bill. These changes if separately proposed would inevitably have been defeated; but it was proposed to pass them as part of a defective and hastily prepared bill of 423 printed pages, miscalled a charter, but in fact adding by so much to the confusion and inconsistencies of the existing law.

Throughout the career of this remarkable bill, its advocates sought to avoid public scrutiny as much as possible. Immediately upon its introduction the bill was referred to the standing committees on cities of the two houses of the legislature and hearings upon it were announced to commence within a month from the time of its introduction, barely allowing time for its printing and examination by the public. This attitude served as a challenge to civic spirit. Representatives of a number of business and civic organizations joined together to study, expound and combat the bill. A vigorous opposition was organized and made itself felt in the public press and at the hearings. A joint statement making clear the real significance of the bill was issued by representatives of the City Club, the Allied Real Estate Interests, the Citizens Union, the Greater New York Taxpayers Conference, the Public Education Association and the Brooklyn League. A report containing an analysis of the provisions of both the Gaynor and the Hammond charters was prepared and published by a joint committee of Brooklyn civic organizations on the charter. Separate statements were also issued by the Citizens Union, the Civil Service Reform Association, the Public Education Association, the Bar Association and others. Vigorous protests were made at the hearings by a number of officials, private individuals and representatives of civic organizations, among them, Borough President McAneny, President Mitchel of the board of aldermen, Comptroller Prendergast and Deputy Comptroller Douglas Mathewson, and representatives of the Bureau of Municipal Research, the Educational Alliance, the Board of Education, the Public Education Association, the Civil Service Reform Association, the State Charities Aid Association, the Charity Organization Society and the Citizens Union. So seriously was the project damaged by the criticism to which it was subjected that it was withdrawn for revision after public announcement by the committee that, among other changes to be made, the comptroller's auditing power would be restored and the board of administrative detail abandoned.

Continuing their former tactics the advocates of the charter announced that it would be revised as quickly as possible and passed without further consideration. A protest against so indecent a proceeding was forwarded to the legislature, signed by the City Club, the Civil Service Reform Association, the Bar Association of the city, the Public Education Association, the Allied Real Estate Interests, the Citizens Union, the Brooklyn League,

the Joint Committee on Charter Revision of Civic Bodies in Brooklyn, and the Greater New York Taxpayers Conference. Even this protest bade fair to be unheeded until Governor Dix announced on July 10 that he would not sign a charter for the city until the people of the city had been afforded an opportunity to know its contents.

The charter, as revised by the cities committees of the two houses of the legislature and known as the Cullen-Foley charter, was introduced on July 13. It turned out to be an entirely new bill containing 580 printed pages. While less incomplete in substance and less incompetent in point of draftsmanship than the Gaynor charter, it still lacked every requisite of a new charter and remained a cover for many vicious provisions. It retained the bad features of the former draft and introduced new ones. It remained essentially a "ripper" bill transferring to the mayor powers of other elected officials. Its advocates sought to justify this course on the plea that it would be beneficial and in accord with modern ideas to concentrate powers and responsibility in the mayor, but belied their professions by providing that responsibility should be diffused and the ballot lengthened by making the office of chamberlain elective, and by making the president of the finance committee of the board of aldermen (chosen by the usual Tammany majority of that board) a member of the board of estimate composed of officers elected by the people. There was, however, no concentration of power and responsibility, but instead a concentration of arbitrary and irresponsible power. The bill provided that all official acts should be presumed to be lawful. It did away with accountability by permitting the mayor to order the destruction of records; by abolishing the comptroller's power of audit as to amounts under \$5000; by transferring to the mayor the comptroller's power of requiring reports from the various departments; by permitting the commissioners of accounts to investigate city departments only when directed by the mayor; by authorizing the mayor to appoint a substitute to take his place for whom he would not be responsible; and by taking away the governor's power to remove a delinquent mayor. It violated the principle of home rule by creating mandatory offices. It was filled with "jobs" and "jokers" for the benefit of the hungry politicians of Tammany Hall, who hoped to profit under cover of gratifying the mayor's desires and giving the city a new charter.

Of the new provisions, the one which attracted most attention was the "subway veto," so called. Between the time of the introduction of the Gaynor charter and the preparation of the Cullen-Foley bill, the mayor had found himself in a minority in the board of estimate and apportionment as to contracts to be made for the operation of subways to be constructed by the city. In order to resolve this conflict in his favor, he caused to be inserted in the Cullen-Foley charter a provision giving him a veto over grants of such contracts by the board. Public indignation at the tac-

tics employed in support of the charter manifested itself in unmistakable fashion. The provision establishing a paid board of education and other provisions tending to throw the school system into politics were vigorously assailed by educators of prominence all over the country, headed by President Lowell of Harvard University and President Butler of Columbia University, with each of whom Mayor Gaynor engaged in a controversy. He indulged in similar controversies with other critics such as Lyman Abbott, William J. Schieffelin and Frederic W. Hinrichs, in which he devoted his energy to attacking the critics rather than to defending the charter. A charter conference was organized, composed of representatives from most of the organizations which signed the protest to the legislature. The charter was considered chapter by chapter at a series of conferences arranged by the City Club at which the supporters of the charter though invited failed to appear, and its many vices were pointed out by a number of competent critics. The State chamber of commerce held a special meeting and adopted resolutions, asking that opportunity for study of the charter be afforded.

The legislative committees held hearings on the bill during but five days in the middle of summer, commencing August 21. At those hearings the charter was bitterly assailed, among its opponents there being many representative men. During the hearings J. Hampden Dougherty, who had been an active member of the Ivins commission and had been consulted by Mayor Gaynor in the revision of the Gaynor charter, delivered an address before the City Club in which he clearly pointed out the objectionable character of the Cullen-Foley bill.

The majority of the legislative committees throughout the hearings showed themselves to be open partisans of the charter scheme and assumed a truculent attitude toward its opponents, but the storm of criticism was so effective that the committees promised before the close of the hearings that the comptroller's power of audit would be restored and at the termination of the hearings stated their intention of again revising the charter and of omitting some of the other most objectionable features.

Another revision was at once put under way, the results of which were submitted to the legislature on September 18, after it reconvened, in a most remarkable document consisting of some 4000 amendments to the Cullen-Foley bill, contained in a pamphlet of 159 printed pages. The committees in charge refused to grant hearings to objectors against this new revision and proposed to pass it without opportunity for public examination. This emergency found the civic spirit of the city still alert and active. A large delegation representing a number of business and civic organizations had attended before the governor to seek his aid against the contemplated outrage. Robert S. Binkerd, secretary of the City Club, was in charge of the delegation and addresses were made by Alfred E. Marling representing

the City Club, Russell Benedict, president of the Brooklyn League, and Raymond V. Ingersoll, chairman of the executive committee of the Committee of One Hundred which had conducted the successful municipal campaign of 1909, the results of which were to be largely undone by the bill. Immediately upon the introduction of the amendments the Citizens Union and the City Club sent a committee composed of J. O. Hammitt, secretary of the Citizens Union, the secretary of the City Club, and the writer, as chairman of the charter committee of the Citizens Union, to establish itself in Albany in order to make such instant examination of the revision as was possible and to point out its meaning. The information thus given was disseminated through the newspapers by means of daily statements. In this way the public speedily learned the main facts about this latest draft.

This revision retained untouched some of the worst features of the former draft, such as the "ripper" provisions and the subway veto. It made only a pretense of doing away with some of the others, e.g., it nominally restored the comptroller's auditing power, but crippled it by making conclusive upon the comptroller the certificate of the city engineer appointed by the mayor as to compliance with contracts; it nominally continued the unpaid board of education but placed over it a salaried president; it ostensibly restored the board of hospital trustees but placed the active management of the hospitals in the hands of a superintendent appointed by the mayor. It actually added new and vicious features,—notably a provision giving the mayor a "suspensive" veto over the whole or any part of the budget adopted by the board of estimate, which, however, that board could override only within five days and upon which it could take only one vote; so that with the power in his hands of appointing the majority of the committee which was to prepare the budget in the first place the mayor was given substantial control over the entire city budget.

The entire membership of the board of estimate and apportionment, excepting only the mayor and the president of the Borough of Queens, who was then under charges upon which he was subsequently removed from office by the governor, protested against the passage of the bill. A striking manifestation of the opposition to the bill was afforded by a mass meeting at Cooper Union to protest against its enactment, speakers at which were J. Aspinwall Hodge, Borough President McAneny, Comptroller Prendergast and William M. Ivins, chairman of the Ivins commission. The press was practically a unit against the bill.

In utter disregard of the interests and the clearly indicated wishes of the people, the Tammany organization used every effort to force the bill through the legislature. After making still further amendments in a pretence of eliminating some of the most vicious features of the bill, it actually succeeded in passing the bill through the Assembly by a majority of one vote obtained by inducing one weak member to change his vote against it,

but it was unable to secure enough votes to pass it in the Senate, and abandoned the bill on September 30. The debate in the Assembly indicated that the votes cast in favor of the bill were not based on any familiarity with its provisions. The only arguments made which indicated any knowledge of the contents of the bill were made by Assemblyman James A. Foley, chairman of the standing committee which had introduced the bill, and by William Allaire Shortt, a member of the committee, who had been an able and assiduous collaborator in all the charter drafts since 1909, and who first endeavored to eliminate from the bill as many of its weaknesses as possible, and later performed a great public service in publicly pointing out and opposing its evil features.

Despite the failure to pass the charter it became known that another attempt would be made to pass it in the legislature of 1912. The opponents of the charter made it an issue in the election of members of the Assembly in November, 1911. As a result of that election the Democratic Assembly was replaced by one with a strong Republican majority, and the defeat of the charter was thus made certain and complete.

That a political machine should have come so near to success in a shameless attempt to impose a new form of government on the greatest city in the country without consideration and against the will of its people in a "ripper" bill pronounced by all competent and disinterested critics to be both vicious and grossly defective, might well tend to discourage the optimistic student of municipal affairs; but on the other hand, the active, intelligent and self-sacrificing public spirit displayed in the fight conducted against the charter, and the final defeat of the project by the force of public opinion, awakened and impelled by the energetic and effective coöperation of business and civic organizations, may be taken as an augury of the increasing efficiency of an aroused civic consciousness.

THE "LEVY ELECTION LAW" IN NEW YORK

THE fate which has overtaken the iniquitous ballot provisions of the "Levy Election Law" passed by the 1911 legislature in New York is an occasion for rejoicing among all persons interested in fair electoral methods, and is of especial interest also on account of the effect the decision of the Court of Appeals of New York, holding such provisions unconstitutional, may have upon municipal elections.

The ballot provisions of this law were craftily devised to sterilize and render innocuous future political combinations against Tammany in New York City. Incidentally the influence of the independent voter who splits his ticket was to be minimized. But the vigorous and far reaching opinion of the Court of Appeals in *Matter of Hopper v. Britt*, 203 N. Y., 144, has brought this fine scheme to naught.

New York has the party-column type of ballot. Heretofore no restriction has been placed upon the nomination of the same candidate or candidates by any number of parties or independent political bodies. Judicial candidates of distinguished service are frequently, if not usually, renominated by the two leading parties regardless of their party affiliation, and appear on the ballot in the columns of both. Municipal candidates also are frequently the subject of fusion. There has been in New York at least some abuse of this right to receive plural nominations, and various "mushroom" organizations having no real justification have sprung up from time to time solely to give certain candidates the advantage attaching to an appearance in several columns on the ballot.

This undoubted evil, and the consequent increase in the size and complexity of our ballot, was made the handle for the passage of the ballot provisions of the Levy law. Following the example of Michigan, Ohio and Wisconsin, where the plan had been upheld by the courts (*Todd v. Election Commissions*, 104 Mich., 474; *State v. Bode*, 55 Ohio St., 224; *State v. Anderson*, 100 Wis., 523), the Levy law provided that the name of no candidate should appear more than once upon the ballot. If nominated by more than one party, the candidate might elect in which party ticket or column his name should appear, but he might choose but one, and in the ticket or column not so chosen, in place of the name, was to appear the words "See.....column," the blank being filled with the name of the party in whose column such candidate's name did appear. It was further provided that a voting-mark in the party circle at the head of a column containing the cross-references should *not* be counted as a vote for candidates so referred to, but should be counted only for those whose names were printed in the column. Obviously several results would flow from such a scheme.

A party nominating the candidate of another party would appear in the field with a maimed ticket, to its great disadvantage and that of its other candidates, because it is well known that an incomplete ticket does not receive the same consideration from the voters as a complete ticket. Nor could voters desiring to support the entire ticket of such a party express such desire by a single mark in the party circle, as could the supporters of other tickets, but such voters must follow the cross-references into the other parts of the ballot, and make, perhaps, many marks; in other words, other tickets might be voted "straight," but not this.

Not content with this discrimination against fusion and the independent voter, the law went one step further in the case of "independent bodies," such as municipal parties, promoters of independent judicial tickets and the like (in New York a political organization cannot qualify as a recognized "political party" unless it casts 10,000 votes for its candidate for governor), and provided that an "independent body" fusing throughout its entire ticket should not receive a party-column on the ballot at all, in other words, could not offer its ticket as such to the voters at the polls. A "political party" thus in complete fusion with another, retained an emasculated column filled with cross-references. However unsatisfactory such a limited appearance might be, to that extent at any rate the "party" might appear. But not so the "independent body." Of course, such a provision amounts to a prohibition against an eclectic municipal ticket made up from the best of the party candidates.

It was sought to support this law as a "mere regulation of the form of the ballot," but the Court of Appeals refused to shut its eyes to the practical effect of these discriminations, holding them to be "of a very substantial character." Its opinion says that "every elector shall have the right to cast his vote without unnecessary discrimination against him as to the manner of casting his vote;" that "each voter shall have the same facilities as any other voter in expressing his will at the ballot box, so far as practicable;" that "while the constitution does not guarantee that the elector shall be allowed to express his vote by a single mark, he is guaranteed the right to express his will by a single mark *if* other voters are given the right to express theirs by a single mark, and there is no difficulty in according the right to all;" that "inequality in the facilities afforded the electors in casting their votes may defeat the will of the people as thoroughly as restrictions which the courts would hold to operate as a disfranchisement of voters;" and that "the liberty of the electors in the exercise of the right vested in them by the constitution to choose public officers on whatever principle or dictated by whatever motive they see fit, unless these motives contravene common morality and are, therefore, criminal, such as bribery, violence, intimidation or fraud, cannot be denied."

It may be pointed out that these principles are held to inhere in the New

York constitution by implication rather than by virtue of express provision. *A fortiori* ought this decision to be followed in states where discrimination in political rights is expressly prohibited by their bills of rights.

As a broad assertion of the spirit rather than the letter of the constitutional safeguards against the invasion of the citizens' fundamental rights, this New York case is much more significant than the somewhat similar California case (*Murphy v. Curry*, 137 Cal., 479). The California statute coupled with the restriction of a fusion candidate to a single place on the ballot, the requirement that in the column of the party in which the name did not appear should be printed the words "No nomination." Much was made by the California court of this provision requiring the statement of an untruth, the party in question having in fact made a nomination, but its nominee being excluded from the ballot at the appropriate place. The New York ballot, on the other hand, with its cross-reference of "See column" was strictly truthful. It should be said for the California court, however, that, like the New York case, it carefully considered the Michigan, Ohio and Wisconsin cases and disapproved of their reasoning. Ohio has since repealed the obnoxious provision.

It is probably entirely clear that the above discussion relates wholly to the party-column type of ballot, and that the restriction of a candidate to a single place on the ballot may be accomplished legally in connection with the "Massachusetts" or office-group type of ballot.

ALBERT S. BARD.¹

INTER-CITY MILK INSPECTION

IT SEEMS safe to say that none of the many marked advances in municipal sanitation during the past ten years has been more widespread and none more productive, or at least promising, of valuable results than the attempts which have been made to control the milk supplies of our cities and towns. Scores if not hundreds of municipalities have passed milk ordinances which provide for a more or less rigid sanitary control of all milk offered for sale, beginning with the conditions of the herd and its stabling, continuing with the milkers, milking, cooling, bottling and shipping the milk, and not stopping until the milk is delivered at the consumer's door, at a temperature of, say, 50° F. Fortunately, many communities have established and maintained dairy and milk inspection services, including laboratory facilities—without all which the most rigid ordinance is of no avail. A number of cities, but all-too-few, have not spared the prosecution of such milk producers and distributors as have failed to com-

¹ Albert E. Bard was counsel for the complainants.

ply with the law, and some cities have given ample publicity to the character of every milk supply, be it good, indifferent or bad.

Such work is bound to have its effect upon the health of the community for which it is done. But what becomes of the milk from dairies whose supply is condemned and excluded from a given city? Obviously, it is quite sure to go to those cities which are not yet protecting their babies and their other milk users from the dangers of dirty, warm and disease-infected milk.

Even the municipalities which are carrying on good milk work are liable to be inflicted, at least temporarily, with bad milk excluded from other cities, and if this were not true it is evident that great gains, both sanitary and economic, would result from coöperative milk inspection. How great these gains might be will be the better appreciated when attention is called to the fact that although few cities are yet making as frequent and as thorough dairy inspections as are needed there is already considerable duplication of inspection in some of those districts from which milk is sent to various cities, and will be much more as effective milk control becomes general. Perhaps the force of these statements will be increased when it is stated that the milk supply of our larger cities is drawn from distances as great as three or four hundred miles in many if not all directions, and as large cities are in close proximity all through the eastern United States this means much overlapping of the milk-producing areas tributary to the various cities.

All this is by way of introduction and to give point to the leadership of the Cleveland board of health, under Dr. C. W. Eddy, chief veterinarian, in securing a beginning of inter-city milk control by Cleveland, Cincinnati, Columbus, Youngstown, Akron, Lorain, Ohio, and Pittsburgh, Pa.

According to a personal letter from Dr. Eddy, Cleveland took the initiative in dairy inspection in that part of the country in August, 1906. After improvements had been effected in many dairies, and the supplies from others had been excluded from Cleveland, it was found that the condemned milk, or milk from the condemned dairies, was being sent to other cities. These having been visited and a willingness to coöperate having been found, a conference was called and held in Pittsburgh on October 12, 1910, at which representatives from the cities already named appeared. Uniform requirements controlling the milk supply were agreed upon, not as rigid as those in force in some other cities, but commendable.

It was then resolved that no milk or cream rejected by one of the cities for non-compliance with the adopted standards would be accepted by any other city in the conference. June 1, 1911, was set as the time for putting in force a requirement that every dairy must provide a milk house. Field work was then begun by some of the cities. At a second conference (July, 1911), at which all the cities but Youngstown were represented, it was

decided to postpone until January 1, 1912, the date of enforcement, except that Cleveland announced that it would enforce the requirement on September 1.

Cleveland began its third inspection of dairies on September 1, and up to November 6, following, it had excluded 329 dairies (mostly of only one to five cows each). Cleveland notified all the other coöperating cities, and with one exception these have refused to admit the milk excluded by Cleveland.

It appears that Cleveland is doing about all of the original work of exclusion, for up to November 6 it had received notices of original exclusion from Cincinnati, only, and but two from there. However, the agreement was not to go into full effect until January 1, 1912.

It is to be hoped that the work so well begun will be continued—not only in the group of cities mentioned, but also by other groups. But it is doubtful whether the field will be adequately covered until a hand is taken by the state governments, and federal coöperation may also be necessary. For the present, at least, sanitary milk control must be carried on chiefly by localities, singly or in coöperation. Such state inspection as has yet been undertaken appears to be scattering and irregular. Certainly, until provision is made for state inspection by an adequate staff of competent men, free from the political spoils system and from suspicion of blackmail, graft and inefficiency, the progressive communities having honest and efficient local boards of health should be armed with ample legislative power, state and local, and provided with ample funds, to carry on this most vital work, both independently and in coöperation with other cities. M. N. BAKER.¹

WHAT BOSTON-1915 IS DOING

EARLY in its career, Boston-1915 defined itself as “an organized plan for reaching the people and making them comprehend that in so far as a city may be wasteful of money or of lives, in so far as it may be ugly, dirty and noisy, in so far as its facilities for transportation, education, sanitation, recreation, etc., may fall short of what other cities have, the fault is the people’s and the remedy is in their hands” “Boston-1915 appreciates that probably in no other city of the United States is so much zealous, unselfish and public-spirited work being carried on as in Boston; but to be effective these efforts must be systematized, mobilized and made part of a definite campaign. To apply the principles of business organization to a federation of all the agencies dealing with all forms of municipal development, and to focus this combined

¹ M. N. Baker is the editor of *Engineering News*.

effort by setting definite goals for early achievement is the single aim of the Boston-1915 plan."

Just as the modern physician is less concerned with the cure of disease than with the preservation of health, so Boston-1915 is interested not in reforming the city but in making and keeping the city sound. It believes in preventing wastes and evils rather than in palliating them; and one of its fundamental principles is that the shortcomings of municipal life are due far less to the activity of the forces making for evil than to the passivity and especially the lack of cohesion, of the forces making for good.

Boston-1915 was the first formulated attempt in the United States—and one of its best achievements is the number of its imitators—to organize not only existing civic activities, but also the general "goodwill" into an effective agency for getting important things done. It has been through two important stages of its development and is now in the beginning of the third. The first of those stages was that of publicity, in which the organization had to overcome doubt, misunderstanding and even ridicule; the second was that of organization, in which a definite plan for coördinating hundreds of unrelated bodies had to be devised and made effective; while the third stage, that of scientific adjustment, is the perfecting of the organization, in the light of experience, by discarding useless machinery and by seeking short, practical avenues to definite, well-considered ends.

To the publicity period belong the exposition, held in the old Art Museum in 1909, and designed to visualize both the extent of civic and social endeavor in Boston and the need of greater coöperation; and the civic advance campaign, with its accompanying pageant, in 1910. The process of organization involved the creating of thirteen conferences, each dealing with some special phase of civic work; the preparing by those conferences of "syllabi" of things needing to be done; and the agreeing upon a "Program for 1911" as a basis for common work.

This program included thirteen major and minor projects, most of which have been carried through or have been successfully launched. The fundamental project, that of establishing a city planning commission, has taken shape in a temporary commission, created by the recent legislature. It is authorized to make an investigation of the question and to bring a bill for a permanent commission before the next General Court. This preliminary body is holding hearings and collecting data, and will have ready, at the opening of the legislative session, an Act which, if passed, will establish a central authority for coördinating the now scattered and substantially unrelated activities of thirty-nine municipalities and a number of boards and commissions into a well-considered plan for metropolitan growth. Should Boston-1915 be instrumental in bringing about for Greater Boston that primary need of every American city, a municipal plan, it will have done a work of surpassing importance.

The organizations coöperating as Boston-1915 have done much more, however, than to agitate this vital matter of a city plan. They have been active in crystallizing public opinion into a general belief in and desire for an extended use of the public school plant. They have been a determining factor in securing the building of centrally located convenience stations, those essential aids to health and temperance. They have brought to the front the important problems of public recreation, involving, in the case of Boston, the real use of its magnificent park system, the proper supervision of its many playgrounds, the utilization of vacant lands and of armories, and the building of a public stadium. In this connection, Boston-1915 conducted during the summers of 1909 and 1910 two highly successful series of boys' games; inaugurated, in the latter year, a "safe and sane" celebration of the Fourth of July; was the patron of the extraordinary pageant, "The Making of a Perfect City," held a year ago; has been a leader in the campaign for a real use of the magnificent Charles River Basin; has created a municipal athletic association for the conducting of summer and winter sports for all the youth of the city, as well as a public recreation league; and has been urgent for the consolidation of four existing municipal departments, those having charge respectively of the parks, public grounds, baths and music, into a single department of public recreation.

To the housing problem Boston-1915 has made definite contribution through the report of its housing committee and by following up the enforcement of existing laws, and is indicating one of the ways out through its studies of the building and financing of so-called garden suburbs; to the work of modernizing education it has contributed through its active share in developing vocational guidance and in working for the better training of immigrants, the study of school "misfits," and the investigation by the State Board of Education of the problem of part-time schooling; in the directions of sounder public health, better handling of the questions concerning defectives and delinquents, and a number of other activities profoundly affecting city welfare, it has made, directly or indirectly, many contributions of which the limitations of space forbid enumeration. Above all Boston-1915 has been effective, not only in bringing to the point of actual accomplishment many things which had long been fruitlessly discussed, but also in creating in the public mind a comprehension of better municipal conditions and a determination to secure them which has never before existed in nearly so high a degree. An important factor in this achievement has been the magazine, "New Boston," issued every month from the office of Boston-1915.

Having thus established itself and demonstrated the value of getting together, Boston-1915 is entering upon its third period, that of increasing, in the light of its more than two years of experience, its efficiency. This it purposes to do by securing a more direct participation in its work of the most active and powerful among its constituent organizations, by broadening

the functions and strengthening the autonomy of its various conferences, and by concentrating its efforts upon certain fundamental propositions such as city planning, public health, the effective use of the city's educational and recreational facilities, and the starting of what, from the beginning, has been a principal goal of Boston-1915,—an Exposition which shall present Boston, the other cities of New England, and, as far as possible, those of the rest of the world, as "live exhibits," which shall have as its keynote "better living for all the citizens," and the master motive of which shall be true "reciprocity between men and money."

JAMES P. MUNROE.¹

THE PAGEANT OF THETFORD

THE civic achievement of uniting a country community for the development of the resources of their town by means of a great out-door drama makes the Pageant of Thetford unique among the celebrations of the year. Thetford is an agricultural town of Vermont with a population of 1182 in about forty-two square miles. Even this small population is divided among six villages situated from two to nine miles apart, and the spirit of local independence is still strong in the blood. So the town is exceptionally exposed to the troubles that are hampering the progress and sapping the life of many of our farming communities in the East. The one hundred and fiftieth anniversary of the town came last August. For their celebration the people of the town produced a pageant or drama of the community on the banks of the Connecticut River, which presented, beside the history of the town, a study of the present economic condition of the town and its causes, and a definite suggestion of the renewed prosperity of the town in the future when plans that have already been adopted are realized. It was a study of the rural problem, and in the instance of Thetford at least a contribution toward its solution.

As Master of the Pageant, the writer, who became interested in the civic possibilities of pageantry while in the Russell Sage Foundation, wrote and produced the drama and temporarily directed the movement which made the beginnings of the town development. These beginnings have since the pageant been continued by the people themselves and are progressing vigorously and successfully. The drama consisted of twelve realistic episodes, divided into four groups which set forth respectively: (1) the making of the town; (2) the development of the town; (3) the depletion of the town; and (4) the future of the town. These groups of realistic episodes were bound together by five symbolic scenes, beginning with the introduction showing by means of the new dramatic dancing the three-

¹ James P. Monroe is the director of the Boston 1915 movement.

fold physical character of the town with its mountains, rivers, and intervals, and ending with the tribute of the town to America and to Vermont in the finale, in which the assembled mass of the pageant, nearly half of the population, hailed the approach of America and of Vermont riding on horseback with their escort of other States at full gallop down a long vista by the side of a heavy pine grove. Technically the drama rigidly obeyed the dramatic laws of construction; it was a dramatic whole, not a mere series of historical scenes related mainly by the fact of their selection for presentation. The drama was written with a view to making it available in reading form and thereby continuing the immediate influence of the pageant after the performances were past, and it was published by the Pageant Committee.

The conception of the rural problem therein set forth is that it consists, first, in a fundamental loss of heart and loss of belief in themselves on the part of the farmers of the depleted regions, and second, in a lack of adaptation to the present conditions of the business life of the whole country. In Thetford vigorous community health has been restored by the joy and the success of producing all together in the drama of their own town a real work of art, and by the introduction, under the guidance of the United States Department of Agriculture and the Vermont Agricultural College, of scientific methods of agriculture and also of other measures for the development of their educational life and their culture. Among the particular things that thus far have been done or been started in the town in connection with the pageant and which were mirrored in the drama are: a special study with a government expert of the adaptability of the soils of each farm; a cow-test association for the improvement of their dairy herds; the improvement of pasturage; the proper care of the forests and wood-lots; coöperative purchase of farm supplies; an annual town fair, to be a gauge of what they have accomplished during the past year, the first of which was one of the episodes of the pageant; the up-building of the academy; the introduction of the Boy Scouts and of the Camp Fire Girls into the town; the Thetford Kitchen, in which the women will make small products for the market; a town museum of local historical antiquities; an orchestra and chorus; and union town services, the second of which was held on the pageant grounds on the Sunday of pageant week. In none of these is the interest local to any one village; it is common to the whole town and a source of social unity, so that there is a constantly increasing solidarity of community life that will make the town strong in its continued struggle with the rural problem and of use to other similar communities as an encouraging example of what can be done. The drama is the picture of life, and in this new form, the pageant, the drama of the life of a community, it has great possibilities for the solution of serious public questions, as has, in the case of Thetford at least, been successfully proven. WILLIAM CHAUNCY LANGDON.¹

¹ William Chauncy Langdon is associated with the Russell Sage Foundation.

AN INTERNATIONAL MUNICIPAL BUREAU

THERE exist at present in a number of countries national municipal associations. In the United States there are, for example, the National Municipal League, the League of American Municipalities, the various state leagues, associations of mayors and similar standard organizations; in Canada the Union of Canadian Municipalities, and its children the various provincial unions; in England the Board of Associated Municipalities, in Scotland the Convention of Scottish Burghs; in South Africa the South African Municipal Association; on the continent of Europe various groupings. They have no regular communication with each other; yet each is in possession of experiences and methods which might be of use to the rest for purposes of comparison and adoption, not to mention that progress, enlightenment and humanitarian kindness which come from a simple knowledge of the rest of the world.

I have been for some time proposing to form what might be named the International Municipal congress and Bureau, whose membership shall be composed primarily of existing municipal associations. To these might be added other classes of members, such as cities, governments and universities; also, honorary members, and associate members, such as eminent students of political science. In each country a secretary-treasurer would be appointed, preferably the secretary of one of the principal national municipal associations. His present office would be made the bureau of information of this international association. The expenses would be raised by him from the membership within his particular country. His principal duties would be to establish regular intercommunication with all the other offices of the same kind, obtain exchange of all publications, and maintain his share of an international bureau of information for the use of members and the public. One of these offices, to be chosen later, would be the central office. In the meantime a provisional centre of organization might be chosen by those first interested. The National Municipal League is in my opinion the natural centre for such organization.

Every few years a congress might be held, arranged much like other municipal gatherings. Some city would extend its hospitality and the use of its buildings, delegates would attend, discuss the programme, and elect officers. These congresses could not fail to be of a most interesting and instructive character, and the information brought back, and the other results attained, would be highly valuable. For instance, it is obvious that no municipal delegate from America could visit the City of Paris under such friendly official guidance without bringing back useful knowledge. Nor could he visit Glasgow, Birmingham, London, Berlin, or Brussels in vain. While, conversely, the New World has a great deal that would interest delegates from Europe, Australia, or South Africa. But

if such a congress be not convenient the establishment of regular correspondence on a recognized basis would be a great instrument of advantage, and could be made productive of large benefits to civilization.

The idea so far has been favorably received. It is thought well of by good judges in America and England; and the Union of Canadian Municipalities has formally endorsed it. It is respectfully suggested that the executive of the National Municipal League take it into favorable consideration, and take such action upon it as they may deem expedient. If so, at least this continent and the British Empire could be speedily brought into line.

W. D. LIGHTHALL, K.C.¹

¹ Honorary Secretary of the Union of Canadian Municipalities, Montreal.

REPORTS AND DOCUMENTS

EDITED BY JOHN A. FAIRLIE

Public Service Commission Reports.¹—

Prior to 1907 there were railroad commissions in most States, but there was not in any State a commission having supervision of all of the other important public utilities, street railway, gas, electric light and power and telephone. In Massachusetts, there was, in addition to the railroad commission,

¹ Report of the Public Service Commission of Maryland for the eight months ending December 31, 1910, 399 pages.

Twenty-sixth Annual Report of the Board of Gas and Electric Light Commissioners of the Commonwealth of Massachusetts, 1910, 211+334 pages.

Forty-second Annual Report of the Board of Railroad Commissioners, Commonwealth of Massachusetts, 1910, 339+962 pages.

Eighteenth Annual Report of the Massachusetts Highway Commission for the year ending November 30, 1910, 284 pages.

First Annual Report of the Board of Public Utility Commissioners for the State of New Jersey, 1910, 285 pages.

Third Annual Report of the Public Service Commission, First District, New York, year ending December 31, 1909, 3 volumes.

Fourth Annual Report of the Public Service Commission, First District, New York, year ending December 31, 1910, volume 1.

Third Annual Report of the Public Service Commission, Second District, New York, year ending December 31, 1909, 2 volumes.

Fourth Annual Report of the Public Service Commission, Second District, New York, year ending December 31, 1910, volume 1.

Fourth Annual Report of the Railroad Commission of Wisconsin, year ending June 30, 1910.

Second and Third Annual Reports of the Corporation Commission of the State of Oklahoma, 1909-1910, 1002 pages.

Twelfth Biennial Report of the Public Service Commission of the State of Vermont, 1908-1910, 974 pages.

First Annual Report of the Public Utilities Commission, Kansas City, Mo., April 17, 1911, 59 pages.

First Annual Report for the Board of Public Utilities, Los Angeles, California, June 30, 1910, 195 pages.

Report to Municipal Assembly of St. Louis on rates for electric light and power, St. Louis Public Service Commission, 1911.

Report of St. Louis Public Service Commission to the House of Delegates on the transfer system of the United Railways Company, October 23, 1911, 14 pages and 32 maps.

the gas and electric light commission established in 1885 and the highway commission which in 1906 was given supervision over telegraph and telephone companies. The act creating the New York public service commissions became a law June 6, 1907, and was followed July 9, 1907, by a Wisconsin act, giving the existing railroad commission jurisdiction over public utilities. The Oklahoma corporation commission was created by the first State constitution, which was adopted July 16, 1907. A Georgia act of August 22, 1907, conferred on the railroad commission certain authority over street railways, gas and electric companies. The Vermont public service commission was created in 1908. In 1910, commissions were created in Maryland and New Jersey and in 1911 in Connecticut, Kansas, New Hampshire, Ohio, Nevada and Washington.

In addition to the State commissions certain city commissions and departments have been created. A city public utility commission was created in 1908 for Kansas City, Mo; in 1909, for Los Angeles, Cal., St. Joseph, Mo., and St. Louis, Mo.; and in 1911 for Wilmington, Del. The office of superintendent of public utilities was created in 1908 for Seattle, Washington, and the office of public service commissioner in 1911 for Houston, Texas.

The character and content of the annual reports for the first and second New York public service districts differ widely, first, on account of the different powers vested by law and second, on account of the difference in the character of the two districts. The commission for the first district has been given powers and duties with relation to the laying out and construction of rapid transit railroads which formerly devolved on the board of rapid transit railroad commissioners. This enormous task has no

counterpart in the work of the commission for the second district, nor in that of public service commissions of other States. On the other hand, the control of telephone and telegraph companies is entirely under the supervision of the commission for the second district and matters in relation to transportation of freight and express are almost entirely under the supervision of that commission. The commission for the first district deals with a very large population within a small area. The congested character of the district creates problems as to service, equipment and methods of supervision that either do not exist at all or not with the same intensity throughout the rest of the State. The commission for the first district deals with comparatively few corporations most of them with large capital and output, while the commission for the second district deals with a very large number of corporations, most of them having a small capitalization and output.

Volume 3 of the annual report of the commission for the first district is devoted to statistics of public service corporations and is prepared by the bureau of statistics and accounts under the direction of Dr. Adna F. Weber, chief statistician. It contains very complete annual reports from each company, all of which have been subjected to careful examination by the accountants of the commission. The information contained in the reports is also carefully tabulated and subjected to close analysis and interpretation so as to bring out more clearly matters of importance in connection with public regulation. The transportation statistics contains, at page 461, an interesting statistical study in relation to the average length of ride on the subway. This intensive study of public service corporation finances and statistics is a unique feature of the work of the commission for the first district. Volume 1 of the fourth annual report of the commission for the first district contains a record of the year's work and includes as an appendix a

report by Commissioner Milo R. Maltbie on "Franchises of Electrical Corporations in Greater New York." This is a report of 237 pages containing numerous diagrams showing the corporate history of each system of companies. These charts and the analysis of the franchises contained in the report were prepared by Delos F. Wilcox, chief of the franchise bureau of the commission.

Volume 1 of the fourth annual report of the commission for the second district contains a very interesting account of the various activities of the commission and a complete compilation of the orders issued by it. Volume 2 of the report is a statistical volume. It does not include the annual reports from the companies but contains a tabulation of information from such reports. The opinions of the commission for the second district are not printed in the annual report. They are printed in pamphlet form and are afterwards issued in volume form entitled "Public Service Commission Reports, Second District of New York." But one volume has thus far been issued. Heretofore the opinions of the commission for the first district have been printed in a compilation of decisions and orders issued as volume 2 of the second and third annual reports. The fourth annual report will contain only the orders of the commission and the opinions thus far issued will be reprinted in a separate volume. All important opinions are printed in separate form. The commission for the first district also prints for use prior to the appearance of its annual report a quarterly summary of the reports of street railway companies. Comparing the reported decisions of the commission for the second New York district with those of the Wisconsin commission it is interesting to note that in New York there have been very few rate cases while in Wisconsin the rate cases have apparently taken up a large portion of the commission's time. In New York, on the other hand, a considerable number of the important decisions have related to the

issue of stocks and bonds while in Wisconsin owing to a difference in the regulating statute, the question of stock and bond issues has heretofore been relatively unimportant.

The fourth annual report of the Wisconsin railroad commission contains a very interesting summary of its various activities and to a certain extent of its organization and methods of work. The commission refers to the time required for the disposition of cases coming before it and indicates the reasons why some cases require many months of work and investigation before a decision can be reached and says: "Clamor for immediate action has never tempted the commission to swerve from such a deliberate course of action as the necessities of the case require." The commission includes in its report detailed financial and operating statistics of steam railroads, electric railway, express, electric, gas, water, telephone and heating companies. The opinions of the commission are not printed in the annual report. They are issued first in separate pamphlet form and then in a series of bound volumes entitled "Wisconsin Railroad Commission Reports." Five of these bound volumes have already been issued and the separate opinions now being issued will be included in the seventh volume. Each bound volume of the opinions contains a very complete subject digest of matters passed upon therein. Many of the decisions are voluminous. The decision in *State Journal Printing Company vs. Madison Gas and Electric Company* (4 W. R. C. R. 501) occupies 250 pages. Though there is considerable repetition throughout the various opinions, they contain exceedingly important discussions of problems of valuation and rate-making. Discussions of this kind are particularly important during the present formative period in the evolution of theories and methods of public utility regulation. Such full discussion, has its dangers, however, from the standpoint of the com-

mission itself as it necessarily creates precedents which in the future it may be necessary for the commission to modify or reverse.

The forty-second annual report of the Massachusetts board of railroad commissioners and the twenty-sixth annual report of the board of gas and electric light commissioners follow the same general form as previous reports. The gas and electric light report contains at page 10 an interesting discussion of the work of the board in enforcing the provisions of chapter 651 of the acts of 1910 relative to the abatement of smoke in the Boston metropolitan district. As heretofore, the report of the railroad commissioners is published in two editions one of which contains a copy of the annual reports made by each railroad company to the commission. The report contains at page 64 an order requiring the equipment of all street surface cars with both fenders and wheelguards, the types of such fenders and wheelguards to be approved by the commission. The Massachusetts highway commission includes as Part 2 of its eighteenth annual report its fifth annual report on companies engaged in the transmission of intelligence by electricity for the year ending November 30, 1910. This report contains the results of the commission's investigation of the New England Telephone and Telegraph Company concerning its property and rates of service with particular reference to its rate schedule in the Boston metropolitan and suburban districts. The commission submits the results of its investigation in the form of a letter to the company recommending the adoption of new rate schedules. As a part of this investigation the commission had an appraisal made of the property of the company, information concerning which was published in the previous annual report.

The first annual report of the New Jersey public utility commissioners covers the year 1910. The former board

of railroad commissioners which was created in 1907 had been changed to a board of public utility commissioners by chapter 41 of the Laws of 1910. An act passed in 1911 greatly strengthened the powers of the commission. Prior to 1911, the board did not have power to require changes in rates. In its 1910 report the board states that it had been the experience of the board "that most of the things accomplished are done through negotiations with the companies and in compliance with recommendations rather than by the issuance of orders." The report contains a tabulation of replies from gas companies in relation to methods of testing meters and also a tabulation of rates charged by each company for gas, for electricity and for water.

The first annual report of the public service commission of Maryland is for the eight months ending December 31, 1910. The report includes the opinions and orders of the commission, statistics of accidents, gas and electric meter tests and certain tabulated statistics from the reports of the companies.

The name of the Vermont board of railroad commissioners was changed to public service commission, April 1, 1909. The first report issued by the public service commission is entitled "Twelfth Biennial Report of the Public Service Commission, June 30, 1908, to June 30, 1910." Matters referred to in the report relate chiefly to steam railroads. The report contains at page 263, "specifications for treatment of high tension lines crossing and paralleling telephone lines," and at page 278 "specifications for joint use of poles by telephone and electric light and power companies."

The second and third annual report of the corporation commission of Oklahoma covering the years 1909 and 1910 is printed in a single volume. The volume contains a full compilation of orders and opinions issued by the commission most of which relate to steam railroad matters.

The first annual report of the public utility commission of Kansas City covers the year ending April 17, 1911. A public utility commission had been created in 1908. Apparently this commission was not very active and a new commission was created by an ordinance approved May 3, 1910. The report of the commission shows that it has given considerable attention to the question of street railway service and it recommends an ordinance for adoption by the common council fixing a certain schedule for the operation of street cars on the various car lines. Orders were issued by the commission to stop discriminations in electricity rates and on the recommendation of the commission an ordinance was adopted providing for the testing of electric meters. The report contains a table showing comparative electric rates in eighteen cities. The table shows also in each case the source of power and the price of coal and price of water.

Thus far the public service commission of St. Louis has not published annual reports. It has, however, issued a very valuable special report on electricity rates which includes a valuation of the property of the electric company and an extended discussion of the theory of charging for electric current. It has also under date of October 23, 1911, issued a report on the transfer system of the United Railways Company. The report is intended to show by detailed tables, maps and diagrams the extent to which the company is violating the provisions of an ordinance requiring that "transfers shall be given so as to transport passengers by a continuous trip from any point on the system to any other point on the system."

The first annual report of the board of public utilities of Los Angeles is for the period December 27, 1909, to June 30, 1910. The board is required under the ordinance to recommend to the city council prior to March 1 of each year a schedule of charges for services rendered

by water, electric light and power, gas and telephone companies. The report contains such schedules as recommended to the city council and also the action of the city council thereon. There is also a comparison of rates charged in Los Angeles with rates charged in other cities and tabulations of electric lighting rates and telephone rates in many cities of the United States. The report also contains information concerning the other activities of the commission and an interesting discussion of many subjects of public utility regulation. ROBERT H. WHITTEN.

New York.



The Social Evil.¹—These two reports can well be reviewed together because of their similarity in purpose, sincerity, and conclusions. The difference in thoroughness of the investigations, and in voluminousness of the reports is only to be expected when one considers the difference in the size of the cities and the fact that a great deal of money was spent in practical work by the Chicago commission. Of the sum expended by the latter the city council alone appropriated \$10,000. When one considers beyond this that the members of this commission were themselves unpaid, although some of them gave a great deal of time to the work, one can realize that the report is well founded on actual investigations. It is interesting to note that Mr. George J. Kneeland, who conducted the field work for the New York committee which studied the social evil, was selected to do the same for the Chicago commission. The Minneapolis commission was not so ambitious with regard to carrying out its own investigations, but derived its information from the police and many other

authorities. Altogether the Chicago report is the most thorough-going document of its kind ever issued. Both commissions have had the advantage of preceding work, for instance, that done by the committee of fifteen of New York, and they seem to have taken into account practically all sides of sex vice which can be studied by methods of social investigation. We apprehend that the high water mark of investigation of the social evil set by these reports will not soon be passed by any American or other municipalities, whatever conclusions may be arrived at elsewhere.

It should be distinctly understood that these reports represent what might be called a strictly official point of view, they present no attempt to look at the question in other ways. For instance, the physiological and psychological factors of causation for the social evil, which have received and are receiving a great deal of attention in professional circles, and even in lay literature, are evidently purposely avoided. The standpoints of Ellen Key, Havelock Ellis, Madame Tarnowsky, and other students of the sex vice, are not discussed in the report. We do not state this as a point of adverse criticism, but merely that the reader may know what to expect.

The Minneapolis report assumes in a number of places a distinctly polemical attitude, very cogently stating its reasons for believing in this or that method of meeting the demands of the situation. By this, it would seem that the members of the Minneapolis commission had found less difficulty in reaching conclusions than had those of the Chicago commission. Then, proportionately, the former report is much more given to recommendations; the latter to stating ascertained facts.

It must be noted that the state of affairs already existing in the two cities was widely different when the studies were made. Chicago has long carried out an indeterminate policy. Notwithstanding that the state laws of Illinois make many phases of conducting

¹ *The Social Evil in Chicago.*—A study of existing conditions with recommendations by the Vice Commission of Chicago, transmitted to the mayor and the city council, April 5, 1911. Dean Walter T. Sumner, chairman, Edwin W. Sims, secretary.

The Report of the Vice Commission of Minneapolis, submitted July 10, 1911. Rev. Marion D. Shuttler, chairman, Eugene T. Lies, secretary.

or abetting sexual vice a criminal offense, the police have neglected those laws and have handled the whole situation from time to time as the policies of this or that police official, or mayor would dictate. Nothing in either the city ordinances, or in the rules of the police department have overtly stood for or against segregation. The resulting state of affairs has had all the faults as well as some virtues engendered by this system. On the other hand, in Minneapolis the mayor and police authorities undertook in 1910 a definite policy of suppression and strict enforcement of the law against social vice. This followed upon a long period in which segregation was the accepted policy of every administration in that city. The more recent policy of Minneapolis finds high favor in the eyes of the local vice commission and they carefully recommend that it be continued with ever increasing vigilance. On the other hand, the Chicago commission sets its face strongly against the way things are going on in Chicago and recommends much alteration of the conditions.

The recommendations of the Chicago commission have added significance since they specifically look forward to conditions entirely different from the state of affairs found to exist under the administration which appointed the commission. The Minneapolis commission is almost in unanimity with its predecessor in the field, the Chicago vice commission, but since the policy already said to be adopted in Minneapolis was found desirable, the recommendations were probably more easily formulated and agreed on. Both commissions, after their separate canvass of the situation and after alteration of preconceived ideas of members of the commission, meet on the same ground. They assert their belief that the only way out of this noxious evil is to enforce strict legislative measures, which look forward to suppression of prostitution and its attendant horrors. The opening paragraph of the Chicago report strikes

the keynote:—"Constant and persistent repression of prostitution the immediate method: absolute annihilation the ultimate ideal." The phrasing of the Minneapolis statement is, "We believe, however, that the main position, enforcement of law against public prostitution, is unassailable."

Both commissions urge most strongly the appointment of a "morals commission." This unique body it is proposed shall have investigatory powers and shall act in an advisory form in conjunction with the civic authorities. It is a body to consider the problem from the standpoint of public welfare rather than from the standpoint of officialdom. The proposed ordinance for the creation of such a commission is to be found in the Chicago report, but is too long to be included here. In one section of this proposed ordinance it is stated that the duty of said commission shall be to take all legal and necessary steps towards suppression of the social evil; to collect evidence and to institute and carry on prosecutions in the city of Chicago. The Minneapolis report does not go so far in recommending duties for the permanent commission, but insists on its value for the carrying out of the policies outlined by the vice commission. Over and beyond this the Chicago report makes a second main recommendation, namely, the establishment of a "morals court" in which cases pertaining in any way to the problem of prostitution can be tried and handled as a specialty.

The much vexed question of just what should be recommended in the way of sex education is handled quite differently in the two reports, the Minneapolis commission going much more boldly and specifically into the question, and daring authoritatively to state many things which the Chicago commission, although it long considered the problem, was evidently careful not to do.

One of the more striking features of the work of the Chicago commission has been the intimate study of the connection between the money making instinct

and the exploitation of girls in sex vice. It is not the so-called white slave traffic, but the various other connections with graft that have been found so powerfully connected with prostitution. The backing which the social evil as an institution receives in various ways can only be understood by some such figures as those given us by the Chicago commission. They make a most conservative estimate that the profits from the social evil, engaged in as a business, are in Chicago over \$15,000,000 a year. We must refer the reader for the items to the report itself.

One of the best sections is on the sources of supply, again a purely sociological inquiry. Pandering, and the cadet system, dance halls, saloons, work in department stores, wages, amusement parks, excursion steamers, immigration, are all discussed in some detail. The question of sex perversion was investigated and was reported on in a most non-sensational way, yet the findings are specifically enough stated so that their importance can not be minimized.

The Chicago commission gleaned from its extensive investigation many ideas with regard to what might be done to better the situation in certain quarters and in specific ways. Over and beyond the general recommendations, it undertakes to go into details on these points and produces some ten pages of short recommendations to State and city authorities, to other organizations, and even to parents.

Of course, the whole subject of venereal disease, its relation to public health, and to city health departments and to hospitals was thoroughly considered, as it has been by many other authorities, particularly abroad. The recommendations on this point offer nothing in the way of marked innovation. The importance of the subject is not neglected, but such moot points as notification to health departments of venereal disease have not been passed upon.

These two reports have admirably avoided anything like sensationalism.

It would undoubtedly have been easier to have given flagrant instances of departure from the moral law than to have been self-contained and to carefully generalize on the whole problem. In the light of this, as well as of the character of the men who have produced these conscientious reports, appears most significant the fact that a good many hundred copies of the Chicago report were held for a time in the Chicago post office before being forwarded to the universities and normal schools to which this particular lot was addressed. Several thousand copies of the report had previously been handled by the post office and many wondered just what influence intervened at this point, when the local press has been so insisting on the value of the commission findings in working out better local conditions. As a matter of fact, the report of the immigration bureau on the white slave traffic was as much or even more outspoken than the document of the Chicago commission, and yet it was distributed by the government itself. That such valuable, scientific, and humanitarian literature can be even momentarily considered in the same category with obscene literature is a strange phenomenon for the American people to witness and one which may well be made an issue.

WILLIAM HEALY.

Chicago.

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Philadelphia's Bureau of Health.—

The eighth report of the director of public health and charities of Philadelphia, for the year 1910, gives an account of the special efforts to reduce infant mortality during the summer months, made in co-operation with the bureau of municipal research and a number of other private associations. Reference is also made to the study by the bureau of municipal research looking to improvements in the milk division, the division of medical inspection and the methods of book-keeping in the hospital for contagious diseases.

New York Water Terminals.¹—The question of freight handling facilities along the west side water-front of Manhattan island has long been discussed by civic associations and city officials, and fought out in the legislature and the courts; but only within the last year has any real approach been made to a reasonably permanent and satisfactory solution.

At the present time, and for years past, only one railroad, the New York Central, has been able to extend its freight tracks directly on to Manhattan island. These tracks run from Spuyten

¹ Report on Transportation Conditions at the Port of New York. Calvin Tomkins, Commissioner of Docks of New York City, July, 1910.

Supplementary Report on Manhattan Terminals at the Port of New York. Calvin Tomkins, Commissioner of Docks of New York City, November 21, 1910.

Report Accompanying Submission of Plans for an Elevated Freight Railroad Connecting Manhattan Terminals at the Port of New York. Calvin Tomkins, Commissioner of Docks of New York City, January 26, 1911.

Report on the Organization of the South Brooklyn Waterfront, between Brooklyn Bridge and Bay Ridge at the Port of New York. Calvin Tomkins, Commissioner of Docks of New York City, March 27, 1911.

Report upon the Elimination of Surface Freight Railroad Tracks of the New York Central and Hudson River Railroad and a General Scheme of Improved Freight Handling Facilities at the Port of New York. E. P. Goodrich, C.E. and Harry P. Nichols, M.E., March, 1911.

Report on the Removal of the New York Central Railroad Tracks from the Surface of Eleventh Avenue and the Improvement of the New York Central Railroad Tracks between West 60th Street and Spuyten Duyvil; also the relation of these improvements to the general question of freight handling on the West Side. Ernest C. Moore. December, 1910.

Report of the Sub-committee of the Board of Estimate and Apportionment of New York City Appointed to Consider and Report upon an Engineering Plan for the Elimination of the Surface Tracks of the New York Central Railroad on the West Side of Manhattan. March 27, 1911. (Printed in the City Record for April 6, 1911.)

Report on the Plans of the New York Central and Hudson River Railroad Company referred to the Dock Commissioner by the Board of Estimate and Apportionment, under date of September 28, 1911, and Their Relation to a General System of Freight Terminals. Calvin Tomkins, Commissioner of Docks of New York City, November 2, 1911.

Duyvil to Canal Street—most of this distance along the west side waterfront at grade—with freight yards at various points. The seven other railroads entering the west side of the city have their main freight terminals in Jersey City and Hoboken, and bring their freight cars across the river on carfloats. This necessitates the occupancy by these companies of 28½ out of 72 piers of all sizes on the highly congested portion of the waterfront below 30th Street.

The methods of handling freight at these railroad freight piers are clumsy and antiquated, and cause great traffic congestion along West Street and the marginal way at certain hours of the day. Moreover, the operation of the New York Central freight tracks at grade through the city streets—especially on Eleventh Avenue between 40th and 60th Streets—has not only been a public nuisance, but has resulted in frequent loss of life.

To describe the various attempts which have been made to deal with this situation for some years past would be impossible within the limits of this review.² In June, 1910, the problem was first definitely considered by the present board of estimate and apportionment, and a sub-committee was appointed to investigate and report. This sub-committee appointed E. P. Goodrich, E. C. Moore and H. P. Nichols a committee of engineers to report on the engineering features of the problem. In December, 1910, Mr. Moore submitted a minority report embodying a proposal essentially similar to that which had been put forward in a series of reports by the dock commissioner, Calvin Tomkins. In March, 1911, the other two members of the committee of engineers submitted their majority report proposing a radically different solution. Three members of the subcommittee of the board of estimate and apportionment approved this majority report, and

² Those interested in the subject will find a good summary of them in two briefs published by the Citizens Union in June, 1909, and April, 1910, respectively.

recommended to the board its adoption. The remaining member of the sub-committee, Mr. Tomkins, approved Mr. Moore's minority report.

Briefly, the two plans are as follows: The minority plan provides for an elevated freight railway along the marginal way from 60th Street down to Fulton Street. At various points along this freight viaduct, to the east of West Street, it is proposed to place terminal buildings for the eventual joint use of all the railroad companies. The use of such joint inland terminal buildings would relieve the waterfront and throw open 28½ piers for the use of the steamship companies which badly need this extra space. It would also make it possible for freight received from, or destined for, a number of different railroads to be called for by the shipper at, or sent to, a single point. Under this plan all these joint terminal buildings would be connected, by means of the freight viaduct, with a single joint water terminal between 30th and 40th Streets, to which railroad freight cars would be brought on floats from the Jersey side.

The majority plan agrees with that of the minority report in providing for joint inland terminal buildings. It proposes, however, to connect each of these buildings directly with a double-decked pier, by means of a trestle bridge across West Street. Each such installation, consisting of a pier, trestle and terminal building, is designated a "unit terminal." This plan also gives the New York Central a subway down 11th Avenue from its 60th Street to its 30th Street yard.

Most of the civic organizations in the city, including the chamber of commerce, the Merchants Association and the Citizens Union, have favored the plan of the dock commissioner, which is substantially the same as that proposed in the minority report. The City Club favors this plan with certain modifications.

The board of estimate and apportionment has as yet adopted neither of these two plans. The legislature, however, passed at its recent session three

acts designed to put into effect the plans of the dock commissioner. The first of these measures is an enabling act, empowering the board of estimate and apportionment to adopt plans, acquire property for, and construct an elevated freight terminal railway, a city-owned water terminal above 23d Street equipped with float bridges and connected with the freight railway by surface tracks and ramps, and terminal buildings, with storehouses and factories for railroads and manufacturers, along the east side of the freight railway. The second of these acts permits the incorporation of freight terminal companies—the purpose being that all the railroads entering the west side of the city shall eventually combine and, through the agency of such a terminal company or companies, operate the terminal buildings in common and in common lease from the city trackage rights over the elevated freight railway. The third act authorizes the city to come to terms with the New York Central Railroad Company in regard to the removal of its surface freight tracks from the streets on the west side of Manhattan. This last measure has been severely criticised, among other things because of its failure to provide any means by which the city, in case of a disagreement, can compel the railroad company to cease operation at grade and accept a fair settlement.

Under the provisions of this act the New York Central Railroad Company has submitted tentative plans for a settlement of the problem, but as yet no action with regard to them has been taken by the board of estimate and apportionment.

They have been referred to the dock commissioner, and the latter has submitted a report criticising them in certain respects and recommending action along the lines which he has always urged.

Since all three of the acts above described are merely permissive, the final solution of this long-vexed question—except for possible litigation by the

State to test the validity of the New York Central's franchises—rests entirely in the hands of the city authorities.

ARTHUR CROSBY LUDINGTON.

New York.



Report of the Milwaukee Sewage Commission, 1911.—The report of the commission appointed September 2, 1909 to make a comprehensive study of sewage disposal in Milwaukee, with due regard to the future extension and growth of the city, was received in April, 1911.

It is a compendious bound document of nearly 600 typewritten pages, recommending ultimate improvements and extensions aggregating in estimated cost \$25,000,000 or more, in four general divisions, as follows: works recommended for completion prior to 1915—\$4,997,000; recommended for completion by 1920, \$7,210,000 or \$9,076,000, depending upon whether or not percolating sewage filters are included; recommended for completion prior to 1950, \$13,255,000.

The commission was composed of John W. Alvord of Chicago, George C. Whipple of New York City, and Harrison P. Eddy of Boston. The report includes recommendations designed to overcome infection of the city water supply in accordance with a later resolution of the common council. The work was undertaken in November, 1909, and has cost the city about \$5000.

In its letter of transmissal the commission states that the problem was found to be one of unusual difficulty owing to adverse conditions imposed by the topography of the district, the complexity introduced by considerations of water supply, and the large growth of population which it was deemed advisable to anticipate.

The report has not yet been adopted either in whole or in part for the reason that the size of the project has rather staggered the authorities. However the city engineer's department has been making a careful study of it, and is about ready to submit to the common council a digest thereof with recommendations

which will doubtless lead to some immediate action.

The report of the commission on present conditions is briefly as follows: all city sewers discharge either directly, or indirectly through intercepting sewers, into the three rivers which flow through the city from three different directions and join in one outlet into the lake which eventually receives the sewage; the city water supply is taken from the lake at a point about $3\frac{1}{2}$ miles northeast of the river mouth, and is not filtered; it has been found advisable to disinfect the supply with hypochlorite at certain times in the recent past, but the city has not yet seriously suffered from an infected water supply; two of the rivers are flushed with water pumped into them from the lake, which assists materially in carrying out the sewage and has greatly improved their condition; the third is so seriously polluted that it has become a source of much annoyance and complaint—in fact it was the condition of the Menomonee River that was the immediate cause of the investigation ordered.

The findings of the commission may be epitomized as follows: that the waters of the bay are polluted by the sewage and that the purity of the water supply is threatened thereby; that the flushing of the Menomonee River will afford only temporary relief and will add to the contamination of the bay and the danger to the water supply; that the limits of flushing as a means of preventing offensive conditions are apparent in the two other rivers; and that therefore, while desirable to continue the flushing and to include the Menomonee River in the system, measures should be adopted looking to the collection and artificial purification of the sewage and its discharge well out into the lake at a point as remote as possible from the waterworks intake; that while it is possible at reasonable cost to remove the grosser impurities of sewage, the expense and difficulty rapidly increase as a greater degree of purification is sought,

and that even if bacteriological contamination by the effluent from the sewage works could be prevented, there would always be a certain amount of raw sewage which in times of storm would reach the lake and endanger the water supply; so that, since topographical conditions necessitate the ultimate discharge of all such waste into the lake, the most efficient and economical policy would seem to include a no more expensive method of sewage purification than is necessary to prevent undue contamination of the rivers and bay, on the one hand, and a thorough filtration of the water supply, with disinfection when necessary, on the other; and finally that the works for carrying out these measures can be introduced progressively, in an order to remedy first the most dangerous and troublesome conditions, and that the expenditures can be distributed so as not to prove an unreasonable burden to the city's resources.

The commission accordingly recommends for immediate construction a filter plant at an estimated cost of \$1,500,000; flushing works for the Menomonee River to cost \$1,162,000 and to be completed by 1915; suitable sedimentation tanks and clarification accessories, in short disinfection works, to be established at a low point (designated) in the intercepting sewer system, where all such sewers, old and recommended, as part of a comprehensive system, may be made to converge, and that the effluent be temporarily discharged through the river on which said works are to be located, pending the construction of an outfall sewer to the lake—estimated cost of works, of a size to serve fifteen years, \$757,000, to be completed by 1915; estimated cost of outfall sewer with subaqueous outlet one mile from shore, \$2,213,000 to be completed by 1920; and that when necessary, works for more thorough purification of the sewage, consisting of percolating filters and accessories, be constructed on the lake shore of a capacity to serve until 1930 at an estimated cost of \$1,866,000.

In conclusion the commission asserts its confidence that the works recommended are necessary and sufficient to protect the water supply, eliminate offensive conditions in the rivers, and satisfactorily dispose of the sewage.

JOSEPH McC. BELL.

Milwaukee.



Milwaukee Bureau of Economy and Efficiency.—It may be fairly stated at this time that the Milwaukee bureau of economy and efficiency, established by municipal authority in June, 1910, has fully justified its existence in increased efficiency and direct savings to the city already effected, and has demonstrated its potential value through the medium of specific recommendations now under consideration.

It is not to be understood, however, that every Milwaukee citizen who asserts some interest in and knowledge of municipal affairs, getting his information to a considerable extent from the daily press, is prepared to endorse the above statement. The press has not, in fact, very cordially endorsed or encouraged the bureau. Its attitude has been somewhat neutral, and while willing to give credit in specific instances, it has not, on the other hand, seen fit to take a definite stand in support of the work.

The cost of the city to date of this bureau, which is conducted under the direction of Professor John R. Commons, and Professor B. M. Rastall, of the University of Wisconsin, has been in round figures about \$23,000. Its work is the investigation of departmental accounts and methods, with subsequent reorganization. There is no thought of making the bureau permanent. It is planned, however, that the efficiency work of the bureau shall be continued by one or more of the present city departments, preferably the city comptroller or the city service commission.

The staff is composed of accountants, engineers, a sanitarian and assistants, and the bureau has quarters in the city

hall. A group of the country's foremost experts in organization, engineering, accounting, health and sanitation, finance and taxation, and social work gave their consent to act as consulting experts, and no report or recommendation leaves the office until first passed upon by someone or more of these experts.

Seven bulletins have been issued and these will be followed before the end of the year by four more. Four of the seven deal with social problems and the other three with efficiency work. The first bulletin issued was designed to announce the scope and division of the work and the plans and methods which the bureau proposed to pursue, and which have not been essentially altered or modified. The work of the bureau is divided into two parts—the social and the efficiency studies. The social survey is an investigation into the conditions which affect the health and welfare of the city's inhabitants and the results are used as bases for increasing the scope and activities of the several departments when reorganized by the efficiency division of the bureau. Such reorganization is made only after a thorough study of the work performed by the department concerned and its relation to the various other branches of the city's activities. It was made plain in Bulletin No. 1 that while savings in expenditure were always to be striven for, they were at the same time to be considered only as a by-product, and that increased efficiency of operation was the principal object to be obtained.

The second and fifth bulletins had each to do with a municipal activity and in which important and radical changes of organization were suggested, carrying with them economy of expenditure and increased efficiency. These were reports upon the alarm telegraph systems of the city, and the refuse incinerator.

In the former a consolidation, since effected, of the alarm systems in the

fire and police departments, was recommended. In the latter (a new plant which started operations in June, 1910), recommendations showing possible savings and revenues aggregating \$63,827, were made, including the installation of steam turbines or engines with electric generators to utilize the most important product of the plant, viz., the steam, which has been going to waste. Utilization of the steam was however one of the chief factors on which the engineers based their selection of the incinerator type.

Acting on the suggestion of the bureau, the city engineer has worked out the main problem of steam utilization and a full and complete use of the products of the incinerator plant is now likely. Appropriations have been made for the erection of a generating set and the electricity will be used to operate the pumps of the sewage flushing stations.

The third, fourth, sixth and seventh bulletins were all social in their nature, being concerned with "Garnishment of Wages," "Women's Wages," "Citizens' Free Employment Bureau," and "Free Legal Aid." Other bulletins that will probably be issued during 1912 are the following: "Water Waste Survey," "Consolidation of the Divisions of Plumbing and House Drain Inspection," "Reorganization of the City Engineer's Office," and "Electrolysis of Water Pipes in Milwaukee."

JOSEPH McC. BELL.

Milwaukee.

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New York's Chief Engineer.—The report of the chief engineer of the board of estimate and apportionment of the city of New York for 1910 contains a discussion of city planning and the policy of excess condemnation in connection with street improvements. A summary table shows that during the nine years from 1902 to 1910 inclusive public improvements estimated to cost over \$53,000,000 have been authorized in the city of New York.

The Chicago Telephone and Gas Reports.¹—The telephone ordinance passed by the city council in 1907, authorized the readjustment of rates at the end of two and one-half years, and gave the city comptroller power to prescribe forms of accounts. Early in 1910 the comptroller presented to the council committee a report prepared by Arthur Young and Company, accountants, and Jackson Brothers, engineers. This report showed a net loss to the Chicago Telephone Company in operation and indicated that an increase of rates to the amount of \$900,000 a year was necessary in order to cover operating expenses, including depreciation, and a return of 8 per cent. Upon analysis of this report by the committee it was decided to supplement it by an additional investigation, and this was undertaken by W. J. Hagenah, chief accountant of the Wisconsin utilities commission. Mr. Hagenah's report (December, 1910) allowing a depreciation of 5½ per cent, and a return of 8 per cent, permitted a reduction in rates of about \$200,000. He was instructed to bring in a revised schedule of rates showing how reductions might be made. Before action was taken on this, however, a change was made in the administration and another examination is now being made by Professor E. W.

Bemis. This will probably be completed early in 1912.

The rate for gas in Chicago was fixed at 85 cents per 1000 feet by the ordinance of 1905, for a period of five years. W. J. Hagenah was employed by the council committee to investigate and report upon the question of a reasonable rate for the next period of five years. His report was not submitted to the sub-committee, but was made to the full committee on the day of Mayor Harrison's inauguration, and contained many items never discussed in the sub-committee. Mr. Hagenah recommended a rate of 77 cents. The surprising feature of his report was the allowance of \$9,425,932 of going value, to which was added also \$2,259,566 as discount on securities. Mayor Harrison, who had pledged himself in advance of the investigation to 70 cent gas, ordered a new inquiry by Professor E. W. Bemis. Mr. Hagenah declined to turn over his data to Professor Bemis and access to the books of the company was refused. Bemis' acute analysis of the situation eliminated the items of "going value" and "discount on securities." He also reduced the rate of return from 7 per cent to 6 per cent. On this basis he recommended a scale of 75 cents for the first year, 70 cents for the next three years, and 65 cents for the fifth year. The council passed an ordinance fixing a scale of 75 cents for the first year, 70 for the next two years and 68 cents for the next two years. On application to Judge Gibbons, of the State circuit court, the city was temporarily enjoined from enforcing this rate and in the meantime a rate of 80 cents was fixed by the court. The city then carried the case before Judge Scanlan who assumed jurisdiction. The gas company then obtained a temporary injunction from Judge Kohlsaat of the U. S. Circuit Court on the ground that they were threatened with confiscation of their property.

CHARLES E. MERRIAM.

University of Chicago.

¹ Report on the Cost of Telephone Service by the Chicago Telephone Company, for the year ending March 31, 1910, under Ordinance of November 6, 1907, by D. C. and Wm. B. Jackson, engineers, and Arthur Young and Company, certified public accountants.

Report of the Telephone Sub-Committee to the Committee on Gas, Oil and Electric Light on the Investigation of the Chicago Telephone Company, December, 1910.

Report on the Investigation of the Chicago Telephone Company submitted to the Committee on Gas, Oil and Electric Light, by Wm. J. Hagenah, May 2, 1911.

Investigation of the People's Gas Light and Coke Company for the Chicago Council Committee on Gas, Oil and Electric Light, by Wm. J. Hagenah, April 17, 1911.

Report upon the price of gas in Chicago, for the Chicago Council Committee on Gas, Oil and Electric Light, by Edward W. Bemis, July 1, 1911.

Municipal Debts in Massachusetts.—Bulletins number 3 and number 4, 1911, of the Massachusetts bureau of statistics respectively relate to "The Issue and Certification of Town Notes" and "Outstanding Indebtedness of Certain Cities and Towns of Massachusetts," etc.

From 1869 to 1906 the bureau of statistics of labor was a statistical office. In 1906 the organization and management of free employment bureaus in certain cities was added to its duties by the legislature. That sapient body in 1909 changed the name of the office to bureau of statistics, and in 1910 made it the duty: (1) of all town treasurers to forward every town note to the director of the bureau to be recorded and certified by him; and (2) of the director of the bureau to *audit* the accounts of any municipality petitioning to have it done and to *prescribe and oversee* the installation of a uniform system of accounts for such cities and towns.

Bulletin number 3 is simply an official circular of instructions, with prescribed forms, to enable town officials to secure legal certification of their town notes.

Bulletin number 4 is a report to the Massachusetts Senate, in pursuance of its order, calling for information as to compliance with the statute (Rev. Laws, ch. 27-28.) which requires municipalities to establish sinking funds for all debts running beyond ten years, or to raise annually, by taxation, not less than 8 per cent of the principal of debts running less than ten years. The report covers all thirty-three cities and 156 of the 321 towns of the State.

Summarily stated, the report shows that 82 municipalities, viz., 15 cities and 67 towns, in 1909 had debts outstanding amounting to \$1,120,435, (\$621,799 for the cities and \$498,636 for the towns), towards whose liquidation neither sinking funds nor annual payments from taxes had been provided. These outstanding unprovided-for debts are shown to consist of:

- (1) Loans from individuals or banks chiefly on demand notes.....\$269,694
- (2) Trust funds, the principal being borrowed or used..... 460,172
- (3) Cemetery funds, for the perpetual care of lots.. 390,569

Total \$1,120,435

Half of the report is taken up with detailed statements, showing when the money was borrowed, amount borrowed, rate of interest, and aggregate interest payments to 1909. Several of the larger cities are found in the list, e.g., Fall River, the third city of the State as regards population, with \$127,352 outstanding; Lowell, fourth city, with \$36,000 on which \$77,880 had been paid in interest; Cambridge, fifth city, with \$25,000, outstanding on which \$71,000 had been paid in interest at 6 per cent for from forty-five to fifty-one years. New Bedford, the sixth city of the State, besides using up its Cemetery funds of \$26,735 had used \$117,100 of trust funds for current expenses, paying interest thereon from twenty-two to thirty-nine years to the amount of \$263,634. One town paid 6 per cent interest for 62 years, on \$1000, or \$3720 in all. Many are small towns, but 12 had more than 5000 inhabitants, and 4 had over 12,000 in 1910.

Some of the delinquent municipalities have begun to secure legislative authority to replenish their trust funds. Salem secured the first of such acts in 1903; and five similar acts were passed by the legislature in 1911.

EDWARD M. HARTWELL.

Boston.



Water Front Lands in Illinois.¹—By resolution of the forty-sixth General Assembly of Illinois, a joint committee of both houses of the legislature was

¹ Report of the Submerged and Shore Lands Investigating Committee, to the Governor and the Forty-seventh General Assembly of Illinois, 1911

established to investigate the rights of the State of Illinois in land lying in and upon the navigable waters of the State. The report of this committee, presented to the forty-seventh General Assembly at its regular session, gives the results of a comprehensive examination, extending over two years, in three volumes comprising about 600 pages.

Much the larger part of the printed document consists of the detailed report of E. H. Heilbron, consulting engineer. This covers the principal lakes and rivers, notably the Lake Michigan coast, the Chicago, Calumet, Illinois, Mississippi, Ohio and Wabash Rivers. Especial attention was given to the water front of Chicago and East St. Louis, where the most reprehensible encroachments on public waters were disclosed. Mr. Heilbron's report, in addition to full accounts of the detailed surveys and other work accomplished, presents comprehensive descriptions of the shores of the several rivers and lakes, with numerous maps and illustrations.

The report of the committee summarizes briefly the methods and results of the investigation, calling attention to the extensive encroachments on public waters by private individuals and corporations, and urging vigorous action to regain the rights of the State and to prevent further aggression. The committee recommends the creation of a rivers and lakes commission, to continue the investigation, to prosecute suits against those who have encroached on the public property, to reserve lands for public purposes and to devise plans for the development of waste lands.

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New York Summary of Financial Administration.—Comptroller Prendergast of New York City has instituted an admirable policy of issuing a summary of the financial administration of the city in such a form and setting forth the salient facts in such a way that they are readily ascertained and understood.

The report presents at the outset a statement of the net cash receipts and payments during the year, giving a complete picture of the municipal income and outgo so displayed that the amount and general character of the receipts and expenditures are clearly shown. Then follows statements co-ordinating with the general statement but developing and amplifying it into such component parts as is necessary to bring the meaning and significance of the accounts, representing transactions equal in amount to those of fifteen next largest cities in the United States, within ready comprehension. All departments, bureaus and divisions whose functions and purpose are closely allied have been brought together into groups, thus giving a clear and comprehensible statement of the total amounts expended under each broad administrative function. These are further divided according to the amounts paid from budget appropriations and from the proceeds of long term bonds, assessment bonds and other special revenues. The summary shows an aggregate expenditure of \$451,904,000, and receipts amounting to \$452,000,000; the total funded debt, as \$946,000,000; and the interesting conclusion that by means of short term bonds the city was financed during 1910 at an interest saving, as compared with 1909, of upwards of \$1,000,000.

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The Minnesota Legislature.—Lynn Haines of Minneapolis, who published an account of the Minnesota legislature of 1909, has issued a similar study of the Minnesota legislature of 1911. His point of view is set forth in the final chapter, where the author states that he has "deliberately aimed to suggest the unwholesome phases of the session—the things about which the people should have information. There were many beneficent influences and results. These have not been emphasized because they are normal. The public has a right to expect that legislators shall labor for the general

good. It is only when they take the opposite course, and serve the purposes of special privilege and political plunder, that the voters should know in order that there may be reproof and change."

Further indication of the contents may be gathered from the chapter titles, among which may be noted the following: "About the Plunderbund," "How the House was Organized," "The Speakership Contest," "The Fight for Direct Legislation," "Liquor Legislation," "Woman Suffrage" and "A Characterization of Members."

It is clear from the author's own statements that the work is not a scientific analysis of the legislative session; and it may be urged that the people should be told of the progress that has been made as well as the obstacles in the way. At the same time the caustic criticism of special interests and reactionary politicians will serve a useful purpose in arousing public opinion and aiding in the improvement of political conditions and methods.



Reports on City Planning.—Proceedings of the Third National Conference on City Planning, Philadelphia, Pa., May 15-17, 1911. Flavel Shurtleff, secretary, 19 Congress Street, Boston.

Pittsburgh. Main Thoroughfares and Down Town District. Improvements necessary to meet the city's present and future needs. A report by F. L. Olmstead, 169 pages. Prepared under the direction of the Commission on City Planning, adopted by the Pittsburgh Civic Commission, December, 1910, 324 Fourth Avenue. Published February, 1911.

New Haven. Report of the Civic Improvement Commission. Cass Gilbert, architect; F. L. Olmstead landscape architect. 138 pages. To the New Haven Civic Improvement Commission, New Haven, 1910.

A City Plan for Rochester. A Report prepared for the Rochester Civic Improvement Commission by A. W. Brun-

ner architect, F. L. Olmstead, landscape architect. B. J. Arnold, traction expert in consultation, 1911, 39 pages.

Madison: A Model City, by John Nolen, Boston, Massachusetts, 1911.

General Features of a Park System for Chattanooga, Tenn. Report to the Board of Park Commissioners, by John Nolen, Boston, 1911.

The Making of a Park System in La Crosse. Report by John Nolen, 1911. La Crosse, Wis.

Report of the Board of Park Commissioners, Kansas City, Mo., for the fiscal year ending April 17, 1911.

Report of the Municipal Art Commission for the city of Los Angeles, Cal. Los Angeles, 1909.



Reports on Commission Government.—In addition to the general discussion of the movement for commission government in cities, there are appearing a good number of local reports and other special publications dealing with particular cities. The commissioners of Spokane have issued a pamphlet containing the new city charter, a brief sketch of the movement for its adoption and a short account of the history and advantages of the city. A special committee of the Denver chamber of commerce appointed to consider and report on the commission form of government has submitted two reports, each signed by one-half of the committee, one in favor of and one against the commission plan. A discussion of the Grand Junction plan of city government by James W. Bucklin, chairman of the charter convention, has been published in pamphlet form.

The third annual report of the city of Des Moines, for the year ending March 31, 1911, contains, in addition to detailed statistics, a historical sketch of the city, the text of the Iowa commission government law and the ordinances passed in Des Moines organizing the city departments.

Many of the commission governed cities are issuing regular reports at monthly or shorter intervals, showing the proceedings of the commissions and the financial condition of the cities.



Commission on Defective Children.—

St. Louis' commission on delinquent, dependent and defective children submitted its report on March 4, 1911. This is based on a study of local institutions and on examinations of numerous other institutions and methods in various parts of the country. The report includes the results of detailed investigations of the St. Louis Industrial School made by the department of research of the St. Louis School of Social Economy and by the social service committee of the Civic League of St. Louis. The municipal commission recommended (1) the entire separation of dependent and delinquent children; (2) the placing out of all dependent children in family homes; and (3) the sale of the present Industrial School plant and its relocation in the country on the cottage plan, to care for delinquent children only. The enabling legislation recommended was passed by the Missouri legislature; and in September the commission presented a brief supplemental report submitting a proposed ordinance establishing a board of children's guardians.



"The City Healthful!"¹—The City Healthful is the title of an attractive and informing volume issued by charities publication committee of New York. Although the volume contains the proceedings of the first annual conference of the mayors of the cities of New York State, held in Schenectady, it is a good deal more than a mere report of the proceedings, as care was taken to have all the speeches relate

¹ New York, Charities Publication Committee, 1911. \$1.00.

to one subject, and were very carefully correlated. Among the questions considered are: The moral responsibility of a community for the protection of health and life, municipal duties in the conquest of tuberculosis, methods of determining economic losses from preventable diseases, how to get competent health officers.



Fire Hazards.—A committee of the Boston chamber of commerce on fire prevention, appointed in August, 1910, submitted its report in September, 1911, in relation to fire hazards and losses with recommendations as to the best method to follow in improving conditions. Appendices present statistics of fire losses in the United States and Europe, an extract from the report of the Illinois fire insurance commission on the profits of insurance companies, comparisons of the cost of construction of houses of different materials and drafts of proposed legislation. The committee recommends further regulation of building construction, the creation of a fire bureau to investigate the causes of fires, and the installation of a high pressure water service in the congested portions of the city and of self-propelled fire apparatus.



Weights and Measures Situation.—

Report number 1 of the Philadelphia bureau of municipal research (March 3, 1911) sets forth the results of the lack of a system of official inspection and regulation, together with a digest of existing laws and ordinances on the subject and a suggested legislative program.



Cincinnati Bureau of Municipal Research.—The second annual report summarizes its work for the year ending June 30, 1911, under such headings as paving specifications, street lighting contract, the budget, deposit of city funds and the health and park departments.

Cleveland's Golden Rule Policy.—In his annual report for the year 1910, Chief of Police Kohler of Cleveland, Ohio, discusses the results of the three years in which the so-called "Golden Rule" policy has been followed in making arrests. The average number of arrests for these years shows a decrease of 74 per cent when compared with the number for 1907. At the same time the number of arrests for felonies has been slightly increased, while vice and crime are said to have greatly decreased. Chief Kohler urges that his policy has been eminently successful.



Chicago School of Civics and Philanthropy.—The annual announcement for 1911-12 serves to illustrate the systematic training now offered in the field of social service. The list of regular instructors and special lecturers include a large number of prominent names, both of those active in social work and in university teaching, not only in Chicago but in other parts of the country.



Physical Characteristics of European Seaports.—A report on this subject by Charles W. Staniford, chief engineer of the department of docks and ferries of New York City, has been submitted to Mayor Gaynor by the commissioner of docks.

New York's Tenements.—In the fifth report of the Tenement House Department of the City of New York, for the year 1909, will be found interesting discussions on the development of upper Manhattan, the three-story three family tenement vs. the two family dwelling, the tenement house census of 1909 and deaths in tenement house fires.



Municipal Street Cleaning.—Part I of the annual report of the Rhode Island bureau of industrial statistics, prepared by the bureau of social research, is a survey of the street cleaning problem in the city of Providence, and recommends important changes in the methods now employed in that city.



Hartford's Engineer.—In the fourth annual report of the department of engineering to the court of common council, Hartford, Conn., is an account of bituminous road construction in Massachusetts, Rhode Island, New York and New Jersey.



City Club of New York.—The New York City Club has reprinted in leaflet form an editorial from the *Engineering News* of January 12, 1911, on water waste and the general inefficiency of the water department of New York City.

CURRENT MUNICIPAL LEGISLATION

EDITED BY ARTHUR CROSBY LUDINGTON

PART I—REVIEW OF CERTAIN FEATURES OF STATE LEGISLATION FOR 1911 AFFECTING MUNICIPAL GOVERNMENT.¹

Alabama.—The most important measures dealing with municipal government were a series of acts providing for the commission form of government in cities of various classes. The first of these acts² relates to cities of 100,000 or over, and applies at the present time, therefore, only to the city of Birmingham. The first board of commissioners under this act is to consist of the present mayor of the city and of two other commissioners appointed by the governor. At the expiration of their terms their successors are to be nominated by petition and elected by the voters. If no candidate secures a majority of the votes cast at this election a second election is to be held within one week. Thenceforward the term of office of each commissioner is to be three years, one commissioner being chosen each year. The act makes no provision for the initiative or referendum, but the commissioners are to be subject to a recall election on petition of 3000 qualified voters. The governor

¹ In general the following summaries deal only with statutes, enacted in the various States which had legislative sessions in 1911, relating to the following topics: charters and charter making; the structure of city government; regulation of public utilities and constitutional amendments affecting city government. In the case of a few States, however, where little municipal legislation of any sort was enacted, the summaries have been made complete. In the case of most of the other States legislation for 1911 on other topics connected with municipal government will be noticed in the April number. Complete reviews of 1911 municipal legislation for Michigan and Tennessee, which it was impossible to secure in time for this number, will also be included at that time—also similar reviews for Indiana, Missouri and Rhode Island where no legislation of any importance on any of the subjects dealt with in this number, but considerable legislation on other features of municipal government, was enacted.

The citations in the footnotes always refer to the 1911 session laws unless it is otherwise stated.

² No. 163.

is authorized at any time to have all the books and accounts of the city examined by the state examiner of public accounts, the cost to be paid by the city. No provision is made for the submission of this act to the voters of the city.

Another act³ provides for the commission form of government in cities of from 25,000 to 50,000 inhabitants. It applies at present only to the city of Montgomery. It is similar, in general, to the Birmingham act, but provides for five commissioners instead of three. It includes provisions for the recall on a petition of 1000 signatures, and for the referendum on a 25 per cent petition, but there is no provision for the initiative. Like the Birmingham act it took effect without any submission to popular vote.

Still another act⁴ provides for the commission form of government in cities of from 1000 to 25,000 inhabitants. This act provides for three commissioners to be appointed at first by the governor and thereafter elected in rotation for three year terms. The recall is provided for on a 25 per cent petition, but there is no provision for the initiative or referendum. If no candidate for a commissionership receives a majority vote at the first election a second election is to be held. This act may be adopted by any city, the population of which falls within the limits above mentioned, by popular vote.⁵

A fourth act⁶ provides for the commission form of government in cities which are not provided for in any of the other acts—i.e., cities of from 50,000 to 100,000

³ No. 254.

⁴ No. 504.

⁵ For a list of the cities which have adopted this law see page 000.

⁶ No. 330.

inhabitants. It therefore applies at present only to the city of Mobile. It provides for a board of three commissioners, to be elected, one each year, for terms of three years each. Each member of the board is to be the head of a department, and the functions of the various departments are to be distributed by the board itself. The commissioners are to be nominated by petition, and at the general election each voter is to indicate his first and second choice for each position. There is no provision for the initiative, but franchise grants must be submitted to popular vote on petition of one-third of 1 per cent of the inhabitants of the city. The commissioners may be subjected to a recall election on petition of 25 per cent of the voters. This act may be adopted by popular vote by any city, the population of which falls within the limits above mentioned, on petition of 1 per cent of its inhabitants.

Another important act¹ provides for an amendment to the State constitution to be submitted to popular vote in November, 1912, authorizing the legislature to regulate the fees and commissions of all county officers in Jefferson County. The constitution now provides that the county officers in all counties shall receive compensation in the form of fees; and that the fees in all counties shall be uniform. In Jefferson County, including as it does the city of Birmingham, the fees of county officers have grown out of all proportion to those received in other counties. The sheriff and the probate judge, for example, are believed to receive anywhere from \$30,000 to \$60,000 a year each, and the clerks of two or three of the courts receive from \$10,000 to \$20,000 per annum, or more than the salaries received by the judges of these courts. There is no method provided by law for giving publicity to these fees or commissions or for ascertaining their amount. The effect of the proposed constitutional amendment will

be to give the legislature power to place all the officials of Jefferson County on salaries without disturbing the fee system in the other counties of the State.²



Arkansas.—Perhaps the most important act passed during the 1911 session affecting municipal government in Arkansas was that carrying into effect the provisions of the recent initiative and referendum amendment to the constitution.³ In so far as it relates specifically to municipal affairs, this act provides that, within ninety days after the passage of any ordinance by any city or town council, 5 per cent of the legal voters of such city or town may, by petition, demand a referendum thereon. Pending such referendum vote the law is to remain inoperative except in cases where the council has declared an emergency. Eight per cent of the legal voters of any city or incorporated town may, also at any time more than four months before a regular election, propose any measure not inconsistent with the general laws or constitution of the State. No ordinance, however, affecting local option as to the sale of liquor is to be passed in this way. An ordinance thus submitted by initiative petition or by referendum is to become law only in case it receives a majority of the votes cast thereon at the election. The act further regulates the form of initiative and referendum petitions, and prescribes who may sign them.

Another act⁴ provides that when the inhabitants of any city of the first class, adjoining or contiguous to another smaller municipal corporation, desire to annex such smaller municipality, a petition shall be filed with the city council of the larger municipality, signed by

² Other acts relating to municipal government will be dealt with in a future number. The information on which the above summary was based was furnished by George B. Ward, Esq., of Birmingham, a former Mayor of the city.

³ Extra session, act No. 2, June 30.

⁴ Act No. 63, March 3.

¹ No. 63.

not less than fifty qualified electors of the two municipalities affected. The council receiving the petition may then pass an ordinance in favor of such annexation and one of the petitioners shall then file the said petition in the office of the county clerk of the county and the county court shall at once order a special election to be held in both of said municipalities on the question of annexation, giving thirty days' notice thereof by publication. The existing debts of each municipality, owing prior to consolidation, shall be paid by the consolidated municipality out of funds derived from the municipality owing the debts.¹



California.—California legislation relating to municipal matters in the year 1911 falls under three heads: (1) constitutional amendments; (2) freeholder charters and charter amendments; and (3) legislative enactments.

1. Of the twenty-two amendments to the State constitution adopted by the voters on October 10 the following pertain, directly or indirectly, to the government of cities.

Senate Amendment No. 20, amending section 8 of Article XI,² The Constitution of 1879 opened the way to a city having a population of more than 100,000 inhabitants to frame its own charter. An amendment in 1892 extended this privilege of home rule to cities of more than 3500 inhabitants. This provision has been amended in 1902, 1906, and 1911, always with a view to greater freedom in local government. The main features of the amendment of 1911 are: (1) allowing the electors by a petition of 15 per cent to initiate proceedings to obtain a new charter, instead of leaving the formal beginning of such a movement to the city authorities; (2) giving the freeholders elected to frame a new charter

one hundred and twenty days in which to complete their work instead of limiting them to ninety days as heretofore; (3) remedying a defect in the old provision so that amendments to the charter may be submitted at any biennial session of the legislature; (4) allowing new charters or charter amendments to be submitted for ratification at a special session of the legislature; (5) authorizing the people to establish through new charters or charter amendments a borough system of government for the whole or any part of the territory of the city. The only criticism to be passed on this amendment is that it may be found in practice to have set up too rigid a form of procedure to be followed in charter-making and charter-amending.

Amendment No. 48, amending section 8½ of Article XI,³ Its purpose is to increase and make more effective the powers of cities organized under freeholder charters. It furthers the emancipation of such cities from legislative control in the matters of police commissioners and the police force, the board of education, and municipal elections. For consolidated cities and counties (at present San Francisco) it gives to the local community substantial and very important control over the "county" officers thereof.

Amendment No. 47, amending section 23 of Article XII⁴ defines public utilities and empowers the State railroad commission to regulate them and fix their rates for service. It authorizes cities to vest the power they now possess of regulation and rate-making in this State commission. The only criticism on this amendment comes from those who desired that the State commission should be given at once complete and exclusive power over all public utilities whether general or local in their operation.

The purpose of Amendment No. 49, amending section 19 of Article XI⁵ is to restore to the cities of California the con-

¹ Certain measures dealing with other features of municipal government will be noticed in a future number. This information was supplied by Hon. Wm. A. Falconer.

² P. 2175

³ P. 2166.

⁴ P. 2164.

⁵ P. 2180.

trol of their streets, taken away by the Constitution of 1879. Under the old provision any person or corporation supplying water or light might tear up the streets at any time without the city's consent. The object then in view was to encourage competition, but the result has been to impair or destroy city pavements and to allow corporations to acquire valuable privileges without giving compensation therefor. The new amendment authorizes cities to engage in supplying light, water, power, heat, transportation, telephone service or other means of communication, or to grant any kind of franchise to persons or corporations to perform such services under limitations provided in their charters.

Amendment No. 25, amending section 13 of Article XX,¹ The old provision established a plurality of votes as constituting a choice in any election. The new provision authorizes cities and counties, under freeholder charters, to regulate the election of local officers to suit themselves and to prescribe a higher proportion of votes to decide an election. This amendment ratifies and places beyond constitutional question, the election provisions of the Berkeley charter of 1909, which have been likewise adopted in San Francisco, Los Angeles, and many other cities.

Amendment No. 5, adding a new section, 7½ to Article XI² is novel in character and is one of the most important. Its object is to give home rule to counties. It authorizes the electors of any county to elect a board of fifteen freeholders to frame a charter for such county, in much the same manner as cities are now authorized to frame and adopt charters. The only criticism to be passed on the amendment is that home rule is granted with too grudging a hand, and that the procedure for securing a county charter is set forth in too detailed a manner.

2. Freeholder charters and charter amendments. Ten cities have adopted

new charters during the year 1911, nine of these following the commission scheme of government. The only one to adhere to the traditional type of charter is the city of Petaluma.³ The other nine follow the Berkeley model, which is an adaptation, with some new features, of the Des Moines plan to California home-rule conditions. Modesto,⁴ Monterey,⁵ Oakland,⁶ San Luis Obispo,⁷ Santa Cruz⁸ and Stockton⁹ provide for a mayor and four commissioners; Vallejo¹⁰ for a mayor and two commissioners; Sacramento¹¹ for five commissioners, they to choose from their number a president to exercise mayoral functions; Modesto, Santa Cruz, Vallejo, Sacramento and Stockton adopt the Berkeley election plan without change. This plan provides for the nomination of candidates by petition of a small number of electors; for a ballot without party indications; and for a primary election and a final election, the primary, however, being a final one for any candidate receiving a majority of all votes cast for the office for which he is running. Oakland has the same system, but requires two elections in all cases. Monterey and San Luis Obispo adopt the Berkeley nomination and ballot scheme, but have only one election, and consequently choice by plurality instead of by majority. Santa Cruz provides for an elective auditing committee of three. Sacramento makes its board of commissioners a board of education. Pomona¹² has ostensibly adopted a commission charter, but with many variations. It has, among its elective officers, not only a mayor and four commissioners, but also a city clerk, who is ex officio auditor, a city attorney, an assessor, who is

³ P. 1799.

⁴ P. 1493.

⁵ P. 1742.

⁶ P. 1551.

⁷ P. 1698.

⁸ P. 1861.

⁹ Not yet ratified by the legislature.

¹⁰ P. 1958.

¹¹ Not yet ratified by the legislature.

¹² P. 1913.

¹ P. 2046.

² P. 2168.

ex officio tax collector and treasurer, and a police judge. It recognizes ward representation. It provides for non-partisan nominations, and for two elections, a primary and a final. All the new charters provide for the initiative, referendum and recall.

Eight cities already enjoying home rule amended their charters in 1911. Eureka¹ provided for the recall and Salinas² for the referendum. Palo Alto,³ Sacramento⁴ and Santa Barbara⁵ adopted amendments covering details, but involving no principles of municipal government. San Diego⁶ made more careful regulations governing franchises, and provided that school directors shall receive a compensation of \$600 a year. Los Angeles⁷ adopted fifteen amendments, which cover 110 pages of the California Statutes for 1911. Some of these were made necessary by the annexation of large areas of territory and the acquirement of a harbor at San Pedro on the Pacific. Most of these amendments are in the nature of revision of details. The only one involving an important principle is that in reference to elections. Los Angeles had in 1909 adopted the Berkeley plan with the qualification that there must always be two elections, a primary and a final, a qualification followed by Oakland in 1911. The Los Angeles amendment of 1911 now takes up the Berkeley provision making the primary election a final one for any candidate who receives a majority of all votes cast for the office for which it is running. In San Francisco⁸ thirty-eight proposals were adopted, amending the charter in many particulars. The more important provisions are in reference to the 1915 Fair bonds, to the initiative, referendum and recall,

to street improvements, and to elections. The Berkeley plan of elections is now adopted with but slight modifications of detail.

3. Legislative enactments. The legislature of 1911 provided by general law that cities of the fifth and sixth classes under the municipal corporations act might adopt a commission form of government.⁹ Cities of the sixth class have a population of less than 6000; those of the fifth class, a population between 6000 and 20,000. Few cities over 10,000 are governed by the municipal corporations act, but have freeholder charters of their own making, while many cities of less than 10,000 likewise have freeholder charters.

Another act of the legislature extends the operation of the initiative, referendum and recall to all cities organized under the general municipal corporations act.¹⁰ Other acts affecting cities passed by this legislature are a tenement house act,¹¹ an act regulating public accounting,¹² acts governing the annexation of territory to cities,¹³ municipal elections,¹⁴ and bonds for various municipal purposes.¹⁵

WILLIAM CAREY JONES.

*

Colorado.—No important laws relating to cities were passed in 1911. By one act cities and towns were authorized to supply water to consumers outside the corporate limits and to fix the rates and conditions.¹⁶ Another gave the cities power to compel the removal of weeds, brush, rubbish, etc., from within the city limits and to assess the costs on the property affected.¹⁷ The manner of exercising the right of eminent domain was described in great detail in a law apply-

¹ P. 2036.

² P. 1739.

³ P. 2040.

⁴ P. 1790.

⁵ P. 1478.

⁶ P. 1856.

⁷ P. 2051.

⁸ P. 1661.

⁹ P. 842.

¹⁰ P. 359.

¹¹ P. 860.

¹² P. 597.

¹³ Pp. 827, 1454 and 1459.

¹⁴ Pp. 896.

¹⁵ Pp. 595, 730, 421, 1192.

¹⁶ Ch. 175, p. 522.

¹⁷ Ch. 176, p. 523.

ing to all cities.¹ To cities of the first class (those with a population of 15,000 and over), and not under a special charter, additional powers were given in regard to street improvements.² A universal registration law was enacted which should prove a step towards the absolute exclusion from voting of that rather large transient or floating element of the population which, as a rule, has so little genuine interest in city affairs and good government, as well as towards the further elimination of repeating and related practices.³ ARNOLD J. LIEN.



Connecticut.—Interest in charter legislation was manifest in an effort to pass a general uniform charter law under which all cities having a population of over seven thousand should incorporate, providing for a civil service commission and a board of estimate and taxation. This was referred to the next general assembly. A state-wide measure for the adoption of commission government was rejected, but to the city of Norwich⁴ was granted a special charter giving it a commission form of government. The voters of the city, however, failed to ratify the new charter. In the same manner, the question of consolidation of town and city governments met defeat as a general measure. A special act applying to Stamford,⁵ passed only to be rejected by the voters at the polls.

The new charter granted to, and adopted by the city of Bristol,⁶ provided for direct primaries, initiative, referendum, and recall. A further tendency toward commission form appears in the small administrative body consisting of a mayor and six councilmen. Special enthusiasm was shown for the New London⁷ harbor improvements.

A million dollars was voted for making the harbor a terminal for ocean liners.

Tenement house legislation was amplified by the enactment of three statutes: first, a general amendment to the tenement⁸ law; second,⁹ concerning sanitary conditions in tenement lodging, and boarding houses; third, relating to fire escapes.¹⁰

Among special subjects of local interest, it may be mentioned that five towns have appointed boards of finance;¹¹ New Haven is to have a special commission on building lines;¹² New London¹³ and New Haven¹⁴ have provided for teachers pensions, the latter city extends the law so as to include school janitors and engineers;¹⁵ Waterbury¹⁶ has established a pension fund for the fire department.

A proposed constitutional amendment provides that judges¹⁷ of the city, police, borough and town courts be chosen by the electors of the cities, rather than appointed by the general assembly as at present.

GEORGE S. GODARD.



Delaware.—The legislature passed an act¹⁸ designed to provide a new charter for the city of Wilmington. The governor of the State and the mayor of Wilmington are jointly authorized to appoint a commission consisting of ten members, citizens of Wilmington, to submit a report to the mayor on or before February 1, 1912. The charter thus proposed will be submitted at an election to be held on the first Saturday in June. In case a majority of votes at the election in June are cast in favor of the proposed charter, it is to be presented to the general assembly of 1913 for ratification.

⁸ Public laws, 1911, ch. 241.

⁹ Public laws, 1911, ch. 220.

¹⁰ Public laws, 1911, ch. 239.

¹¹ Special laws, 1911, ch. 100, 125, 272, 333, 334.

¹² Special laws, 1911, ch. 433.

¹³ Special laws, 1911, ch. 461.

¹⁴ Special laws, 1911, ch. 340.

¹⁵ Special laws, 1911, ch. 366.

¹⁶ Special laws, 1911, ch. 195.

¹⁷ Public laws, 1911, p. 1616.

¹⁸ Ch. 192, March 29.

¹ Ch. 129, p. 373.

² Ch. 177, p. 524.

³ Ch. 127, p. 336.

⁴ Special laws, 1911, ch. 245.

⁵ Special laws, 1911, ch. 459.

⁶ Special laws, 1911, ch. 352.

⁷ Special laws, 1911, ch. 357.

Special laws, 1911, ch. 261.

Another act¹ creates a board of public utilities for the city of Wilmington to consist of five members to be appointed by the mayor, subject to confirmation by the council, one member each from each of the five representative districts within the city. Not more than three of the members are to belong to any one political party, and no person is to be appointed who is employed by, or holds any office in, or is financially interested in any public service corporation operating in the city of Wilmington, or who is engaged in the practice of law. The term of office of the members of the board is five years, one term expiring each year. The board is to have supervision over all "public utilities" including street railway, express, traction, gas, electric light, heat and power, water, telephone and telegraph corporations, associations or joint stock companies operating in the city for public use. It has power, after hearing, upon due notice, by order in writing, to (a) require compliance with the laws of the State, the ordinances of the city, and the terms of any franchise; (b) to require any company to furnish safe and adequate service; (c) to require any company to keep its books, records and documents in such a way as to afford an intelligent understanding of its business; (d) to direct any company granting unfair and unreasonable discriminations to cease doing so; (e) to investigate any accident that may occur in the city; (f) to hear and examine complaints as to rates, and make such recommendations and orders as it may deem proper concerning such rates; (g) to make any recommendations it may see fit to any company and to cause an action to be brought by the attorney-general or by the city solicitor for the violation of any law or ordinance; (h) to compel the attendance of witnesses and the production of books and papers; to swear in witnesses and issue subpoenas; to apply to the superior court or to any judge thereof, in case of a failure to obey a subpoena, for an order to show cause why

the person so failing to obey should not be committed for contempt.

No privilege or franchise hereafter granted is to be valid without the approval of the board, which is to determine when such franchise is necessary and proper for the public convenience. Any public utility company may appeal to the board from any municipal ordinance and the board is empowered to hear such appeal, determine the matter and make such order as it may deem just and reasonable.²

✱

Florida.—As in the case of a number of other southern States, practically all Florida legislation affecting municipalities is special legislation. At the recent session a number of special acts were adopted granting new charters to cities and towns, or amending existing charters. Two of these special charters provide for the commission form of government for the towns of Pass-a-Grille³ and Green Cove Springs.⁴ Both provide for a board of three commissioners to be elected at large. The Pass-a-Grille charter authorizes the commissioners to choose a mayor from among their own number, and confers upon him a veto power over ordinances adopted by the board. It provides that the commissioners shall be subject to a recall election on petition of a number of qualified voters equal to 50 per cent of the total vote cast at the last preceding municipal election, but makes no provision for either the initiative or the referendum. The Green Cove Springs charter, on the other hand, provides for both the initiative and referendum on petition of 50 per cent of the qualified voters, and allows a recall election to be held on a 40 per cent petition.

In a new charter granted to the city of Lakeland⁵ that city is authorized at any future time to adopt the commission

² Other acts passed at the last session will be dealt with in a future number.

³ Act No. 266, ch. 6385, June 6.

⁴ Act No. 235, ch. 6350.

⁵ Act No. 244, ch. 6363, became law without the Governor's approval.

¹ Ch. 206, March 29.

form of government. The city council, by a two-thirds vote, may submit the question at a special election, and the commission form is to be adopted if approved by a majority of the voters.

Several other new charters, and amendments to existing charters, provide for the initiative, referendum and recall. In the charters of Miami¹ and West Palm Beach² provision is made for the holding of a recall election for any elective city office on petition, in the one case, of 15 per cent, and in the other case of 20 per cent, of the qualified voters. The new charter for the city of Marianna³ provides for the initiative, referendum and recall, in each case on a 25 per cent petition.

Two other acts give to the towns of Micanopy⁴ and Trenton⁵ the right to amend their own charter or to adopt new ones. The new charter or amendment, if proposed by a two-thirds vote of the town council and approved by the mayor or passed over his veto, is to be submitted to the voters of the town for their adoption either at a special election or at a general municipal election.

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Georgia.—Perhaps the most important measure affecting municipal government which was passed at the recent session was the proposed new charter for the city of Atlanta.⁶ This charter embodied an approach to the commission form of government, but retained several features of the older and more common form. This act was submitted to popular vote in September, 1911, but was defeated by the voters at the polls.

New charters providing for the commission form of government were also passed by the legislature for the cities of Cartersville⁷ and Marietta⁸ and re-

ferred to the voters of these cities at special elections. The former was more or less modelled on the Des Moines plan. It provided for a mayor and two commissioners, the mayor being made head of one department, and the board being given power to assign its other two members to the two remaining departments. The board was also given power to appoint all other city officers, to create or alter city offices and to determine their powers and duties. Provision was made for the initiative, referendum and recall, the referendum on a 10 per cent petition and the initiative and recall on 25 per cent petitions. The Marietta charter also provided for a board of three commissioners, one commissioner to be elected every two years for a six year term. It was similar in other respects to the Cartersville act, but made no provision for the initiative or referendum.

Some thirty-five other cities and towns were given a mayor and council form of government either by new charters or by drastic amendments to existing charters. This form of government, which is common in Georgia, resembles the commission form of government in one respect, in that it provides for comparatively few elective officers. The charter of one of these towns⁹ provided for the recall of city officers on a 50 per cent petition.¹⁰

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Idaho.—By an act¹¹ approved March 13, Idaho entered the long list of States in which commission government may be adopted by the simple expedient of a referendum vote. The law applies to cities with a population of 3000 and over, and in all cities the commission is to consist of five members, elected for four year terms to expire in such a way as to effect a partial renewal of the council every two years. In all fundamental respects the law follows closely the Iowa type. Elections are to be non-partisan.

⁹ Dallas, Act No. 285, August 21.

¹⁰ The information on which this summary was based was furnished by Ernest C. Kontz, Esq., of Atlanta.

¹¹ Ch. 82, March 13.

¹ Act No. 253, ch. 6372, became law without the Governor's approval.

² Act No. 292, ch. 6411, June 3.

³ Act No. 252, ch. 6371, May 5.

⁴ Act No. 254, ch. 6373, June 6.

⁵ Act No. 289, ch. 6408, May 8.

⁶ Act No. 310, August 22.

⁷ Act No. 176, August 18.

⁸ Act No. 293, August 21.

The Berkeley plan of having a second election only when necessary to secure majorities has been followed. Corrupt practices provisions are included, but no mention is made of the merit system. The initiative and referendum may be invoked on petition of 25 per cent of the number voting for mayor at the last preceding municipal election. One unique check upon initiative measures is the wording of the affidavit attached to the petition whereby the signer declares that he has "*read, or heard read at length, section by section, the proposed ordinance or measure attached.*" The recall may be invoked on a petition of 35 per cent of the voters, calculated as in the case of the initiative and referendum.¹

H. S. GILBERTSON.



Illinois.—The legislature amended some ten sections of the commission government act passed the preceding year (special session, 1909–10, p. 12). The most important changes were those reducing the percentage of voters required for a recall petition from 75 to 55, a number which still indicates a cautious spirit in the general assembly. Provision is also made for the verification of the petition by the county or circuit court instead of the council.²

Two acts were passed creating pension systems, one for employees of houses of correction in cities of more than 150,000, (Chicago)³ and one for civil service employees of the city.⁴ Several amendments were made to the act governing the police pension fund, some of them the result of the situation revealed by the Merriam commission.⁵

Two important civil service acts should be noticed. One of them extended the merit system over all employees in coun-

ties of 150,000 or more (Cook County).⁶ There has been for some years a civil service act applying to employees of the county charitable institutions the efficiency of which has been open to very serious question. The other applies the merit system to the three great park systems of Chicago.⁷ Both acts restrict the appointment to the candidate highest on the list, and provide for written charges and a formal hearing before the civil service commission precedent to removal. F. D. BRAMHALL.



Iowa.—The general assembly enacted two rather important amendments to the commission government law, relating to the civil service provisions of the latter.⁸ The powers of the civil service commission are increased, and the commission is given authority to remove from office or employment, by majority vote, any officer or employee of the city subject to its jurisdiction. Certain powers are also given to the city authorities for the temporary or permanent discharge of subordinates. Under the new law, the civil service commission is made the court of last resort on appeal instead of the city council as heretofore. In all appointments preference is to be given to soldiers, sailors or marines of the regular or volunteer army or navy of the United States, provided such persons are otherwise qualified. The new law also makes it a misdemeanor for any member of the police or fire departments to contribute to any party campaign fund or to make any other political contribution.

Another act⁹ provides for the removal or discharge of firemen, police officers and policemen under civil service rules in certain cities of the first class, and prescribes the procedure on appeal. Still another act¹⁰ authorizes any city in the

¹ Certain measures dealing with other features of municipal government may be noticed in a future number.

² P. 137.

³ P. 153.

⁴ P. 158.

⁵ Pp. 163, 169, 170.

⁶ P. 199.

⁷ P. 211.

⁸ Ch. 54, April 13.

⁹ Ch. 33, April 1.

¹⁰ Ch. 57, April 3.

State to establish by ordinance a department to be known as the "department of publicity, development and welfare." The mayor, with the approval of the council, is to have power to appoint a superintendent for this department. It is to be the duty of the department to collect and distribute information relating to the commercial advantages of the city, and in all other ways to act as a medium of publicity. Before such a department can be established in any city it must receive the approval of 60 per cent of the legal voters thereof at a special election called by the city council, or at a general city election at which the council has caused the question of its establishment to be submitted.¹

A. W. SMALL.



Kansas.—A number of laws concerning bond issues, public utilities, and public improvements were passed which show an increasing regard on the part of the legislature for the rights of cities. The most important act² affecting city government was that amending the commission law of 1909. As the law stood, cities of the second class could not become cities of the first class without reverting to the mayor and council system and resubmitting the commission form to the voters. According to the municipal code, cities of 15,000 may become cities of the first class and be entitled to the benefits attached, by proclamation of the governor upon a request from such cities. Hutchinson in 1910 became eligible to first class rating and found no legal way of retaining the commission and becoming first class. The law of 1911 was framed to meet the difficulty but in so doing it worked a hardship upon cities under 30,000 population. It provides that five commissioners shall take the place of three and reduces the

¹ Ch. 52, 53 and 55; March 21, April 11 and March 22, respectively.

² Other acts passed at this session affecting certain other features of municipal government will be dealt with in a later number.

³ Ch. 95, p. 154.

salary of mayor from \$1200 to \$800 and of the commissioners from \$1000 to \$600, thus making the offices less attractive. It makes necessary a special election to choose commissioners who shall act until the next regular election and calls for a vote by the people at such election upon the continuance of the commission form. It changes the term of mayor to one year, and of the commissioners to two years. Under the commission law for first class cities the terms of all elected officers is two years, and under the law for second class cities it is three years. It also cuts down the taxing power of the city in an amazing fashion and thus limits its progress. It would seem to the advantage of second class cities to remain under the law governing second class cities until better provision can be made for the change.

Another act⁴ supplements article 11 of chapter 18 of the laws of 1909 by providing that in cities of the second class candidates must announce upon the primary ballot which particular commissionership they are seeking. The law thus compels a candidate for the commission to designate the office he desires and there can, therefore, be no assignment of duties to each office after the commission is selected.⁵

C. A. DYKSTRA.



Maine.—In 1908 a new charter was prepared for Portland, by a convention composed of committees from the city government, the board of trade and four other local organizations. This charter was patterned somewhat after the Des Moines plan with an attempt to adapt it to local conditions. It was sent to the legislature for an enabling act to place before the voters of Portland. It was killed in committee. In the early part of 1911, another charter was prepared by a similar convention making improvements upon the previous attempt, pat-

⁴ Ch. 184, p. 313.

⁵ Certain acts dealing with other features of city government may be noticed in a future number.

turning it practically after the Des Moines plan. Inasmuch as the previous charter had failed to obtain favorable action as a special act, this later form was proposed as an enabling act for cities throughout the State. But this met with no better fate than its predecessor.

The legislature however did pass two special enabling acts, under one of which¹ Waterville recently voted upon the commission form of government and turned it down, and under the second of which² Gardiner voted within a month upon the commission form of government and adopted it. The new Gardiner charter population 5500, provides for a mayor and two aldermen, one to be elected each year for a three year term after the initial election; the administration of city affairs to be divided and classified under three department heads. This is the first city in Maine to pass under the commission form of government, and the results of its experiment will be watched with great interest by the rest of the State.

CHARLES F. FLAGG.

*

Massachusetts.—At the general election held November 7, new charters were submitted to the voters of five cities for their approval. The commission plan was submitted in Cambridge,³ Chelsea,⁴ Lawrence,⁵ Lowell⁶ and Pittsfield,⁷ in accordance with acts of the last legislature. In two of these five cities, namely Chelsea and Lawrence, an alternative charter was submitted at the same time, and in a third, Pittsfield, two alternative charters were submitted together with the commission plan. The commission plan charters in general conformed to the usual type. That submitted at Cambridge, unlike most of the commission plans of government, provided for the election of commissioners to specific

offices instead of leaving to the commissioners the task of dividing the offices among themselves. It also incorporated the form of preferential voting employed earlier in the year in Spokane and modelled upon the preferential voting system of the Grand Junction (Colorado) charter.

In Chelsea, Lawrence and Pittsfield, alternative plans were submitted to the voters, modelled upon the so-called Boston plan with modifications. In Chelsea, the modified Boston plan submitted to the voters, provided for the election of a mayor with the veto power, and a council of nine. The city was to be divided into five wards, in each of which a councilman, or, as he is termed, alderman, should be chosen, and four aldermen should be elected at large. Candidates for mayor and council should be nominated at a non-partisan direct primary. Under this plan, the mayor would be elected annually and also the five aldermen chosen by wards. The four aldermen chosen at large would be elected for terms of two years. The charter also provided for the initiative, referendum and recall. The percentage required on petitions for initiative, referendum and recall was twenty-five, but for a referendum at the regular annual election, instead of at a special election, only a 10 per cent petition was required. The Chelsea plan also made provision for general meetings of the voters upon petition of any five hundred of them, for the discussion of public business and action in relation to the same.

At the election, the commission plan of government was adopted in Lawrence and Lowell, but rejected in Cambridge, though by a narrow margin, and in Chelsea and Pittsfield. In Chelsea the modified Boston plan described above was adopted by a large majority, but in Pittsfield the charter providing only for a few minor modifications of the existing plan of government was adopted.

Another interesting measure submitted to the voters at the November election was a proposal to bring chiefs

¹ Ch. 219, March 28.

² Ch. 72, March 9.

³ Acts, 1911, ch. 531.

⁴ Acts, 1911, ch. 680.

⁵ Acts, 1911, ch. 621.

⁶ Acts, 1911, ch. 645.

⁷ Acts, 1911, ch. 732.

of police within the civil service.¹ An act of the last legislature provided that upon its acceptance by a majority of those voting thereon in any city of the State, excepting Boston and Fall River where police commissioners are now appointed by the governor, the chief of police should receive the same civil service protection as is now extended to other police officers. The act was adopted in a number of the cities and was also rejected in a number.²

A. N. HOLCOMBE.

✱

Minnesota.—The home rule plan was introduced in Minnesota by the amendment of 1896 and slightly altered in 1898. The provision was copied from the Missouri constitution of 1875, with a few changes. Any city or village in the State may frame a new charter or may amend the charter so framed. In fact it establishes the initiative and referendum in city charter legislation. The procedure is as follows: The district court may appoint a board of fifteen freeholders and on petition of 10 per cent of the voters must do so. This charter commission is a continuous body holding office for four years, members receiving no pay. Within six months of their appointment the commission is required to submit a draft of a proposed charter to the mayor for submission to the voters at the next election. If four-sevenths of all those voting *at the election* vote for the charter it goes into effect in thirty days. Amendments may be submitted by the charter commission, and, on petition of 5 per cent of the voters, it must submit the amendment suggested in the petition. Amendments require three-fifths of all the votes cast *at the election* to carry. The constitution requires all proposed amendments to be published for thirty days prior to the election in three newspapers in the city. This clause was

taken verbatim from the Missouri constitution which extended the home rule privilege to cities over 100,000 only. But in Minnesota any city or village may adopt the plan.

Some forty cities have framed their charters on this plan, of which ten or more were villages at the time, and some were very small cities. The question arises, how can a small place amend its charter in case it has no newspapers at all, or less than three? In *Wolfe vs. Moorhead* the Supreme Court held the constitution unreasonable and in that case decided that publication in twenty-seven issues of one daily, extending over a period of thirty-one days and in five issues each of two weeklies was sufficient. The constitution, while providing so minutely for the publication of charter amendments does not require the publication of the original charter when it is submitted for adoption. The Minnesota amendment is a good example of what is apt to happen when a detailed statute is incorporated into a constitution.

At the last session an amendment was proposed which will be submitted to the voters in November, 1912.³ This does not correct all the faults, but is an improvement upon it. Many changes of detail are proposed; the publication clause is altered; and the required vote in charter elections is changed from four-sevenths, in case of original adoption, and three-fifths in case of amendment, to a bare majority vote. This will make it slightly easier to adopt and amend charters when the voters are indifferent. The chief fault, however, remains. It will still be necessary to secure an absolute majority of all the votes cast *at the election* to carry a charter or an amendment to a charter. For example, if the charter be submitted at a general election or at a city election in which 35,000 voters participate, under the original provision a charter will not carry unless 20,000 vote for it; an amendment

¹ Oct. 1911, ch. 468, May 20.

² Certain measures dealing with other features of municipal government may be noticed in a future number.

³ Ch. 393, April 18, amending Section 36, Article 4, of the Constitution.

will not carry unless 21,000 vote for it, although not a single vote be cast in opposition. Under the proposed amendment either a charter or an amendment will not carry unless 17,501 votes are favorable, though not a single opposition vote is cast. The fault with the original home rule clause lies not in the size of the majority required but in prescribing that all votes cast *at the election* shall be counted in calculating the majority. In fact every voter casting a vote for any candidate or for any proposition at the election, but who refrains from expressing an opinion on charter issues is counted as voting in the negative on all charter changes submitted at that election. If the vote for mayor of Minneapolis had been counted in the same manner, no candidate for that office since 1896 would have been elected. Minneapolis has tried five times in eleven years to adopt a charter on the home rule plan and failed each time. Of course if a special election for the adoption of a charter or an amendment be called then every voter participating in the election must necessarily vote either for or against the charter question. In that case the faults of the constitutional rule do not appear, but a special election costs this city at least \$10,000, taking no account of campaign expenses or advertising.

The home rule plan in Minnesota, has on the whole not produced any better charters than were secured under general or special acts. It merely changed the process of amending charters. This is due to the fact that the charter commissions have not in a single instance drafted a charter which conveyed to the city government all the legal rights and functions which the constitution and statutes permit a city to exercise. Two recent commission charters¹ are the only exception to the rule. Each one of the thirty-six charters adopted under the home rule plan in this State up to 1910, was modeled on an old special act charter

¹ Those of Mankato and Faribault. The latter was adopted in 1911.

which attempted the absurd task of itemizing in detail every legal right or public function which the city government should have. There is not a single charter among the thirty-six which grants real "home rule." Such charters are in no sense home rule charters, they are simply home-made charters, and not even that for only the new patches are home-made.

The constitutional limitations upon special legislation have not been effective, because the courts have found it necessary to allow a subclassification of cities within the four classes established by the constitution. For there are home rule cities and special act cities in each of the four classes, besides two general act cities in the fourth class; and then there are 180 villages ranging in population from 500 to 8000 which are not classified. To meet the legislative needs of all these municipalities it was deemed necessary to declare acts valid which apply to all the cities of a class excepting cities having home rule charters. There are three cities in the first class: Minneapolis, St. Paul and Duluth of which the last two have had home rule charters since 1900. In the past eleven years 313 acts have been passed which amend the charter of St. Paul. In many cases when amendments were voted down at the election, the county delegation secured the proposed change by action of the legislature.²

WM. A. SCHAPER.

✱

Montana.—The most important law affecting cities was the commission government law.³ It was approved February 28, 1911, and is similar to the Iowa law. It provides that a petition signed by 25 per cent of the qualified electors of a city is sufficient to submit to the people the question of reorganization of the city government.

² Certain measures dealing with other features of municipal government may be noticed in a future number.

³ Ch. 57, Feb. 28.

All ward lines are abolished and the power is distributed between a mayor and two or four councilmen. In cities of the second and third classes provision is made for a mayor and two councilmen, and in cities of the first class having a population of 25,000, for a mayor and two councilmen, but in cities having a population of over 25,000, for a mayor and four councilmen, all elected at large. An official may be recalled at any time on the petition of 25 per cent of the voters. Legislation may be initiated on the petition of 25 per cent of the voters, and on a petition of 10 per cent of the voters the people can compel the submission of an ordinance proposed by the council to a referendum vote. As a further measure, the people have the right to refuse all public utility franchises. Civil service reform is another feature of the new law, as is also publicity in relation to all city affairs in a monthly report.¹

MARY F. SHERIFF.

✱

Nebraska.—Legislation affecting municipal interests had a front place during 1911. Perhaps the most important matters under consideration were home rule for cities and the commission form of government. There were several different forms of these propositions before the legislature, giving rise to earnest discussion and sometimes to heated controversy.

Municipal home rule was provided for in the form of an amendment to the constitution² which will be voted upon at the general election in November, 1912. The amendment as submitted provides that any city having a population of more than 5000 may frame its own charter through a charter convention. Membership in the charter convention is limited to fifteen freeholders who have been qualified electors in the city for at least five years and who shall be chosen by the

qualified voters of the city at any general or special election. Within four months after their election they shall submit a charter to the voters of the city which shall be voted upon at a general or special election within thirty days after its publication. If rejected, another charter convention may be held within six months thereafter and a second charter submitted in like manner, and this process may be repeated until a charter is adopted. Any such charter may be amended or a new convention called upon proposal by the law-making body of the city or upon petition by not less than 5 per cent of the qualified voters. Alternative sections or articles may be submitted to the voters, each of which may be voted upon separately without prejudice to the others. No charter or amendment shall be amended or repealed except by vote of the electors.

The commission government act³ provides that any city having a population of 5000 or more may adopt its provisions. Within twenty days after the filing of a petition signed by 25 per cent of the votes cast for mayor at the preceding city election, the proposition for the adoption of the commission form of government shall be submitted at a special election. No signer on such petition shall be permitted to withdraw his name after it is filed. If a proposition for the commission form of government shall be defeated, it shall not be again submitted for two years. If the proposition is adopted the number of councilmen who shall be elected at large is as follows: 100,000 or more—seven councilmen; 25,000 to 100,000—five councilmen; 5000 to 25,000—three councilmen.

A primary election for the selection of candidates for councilmen shall be held. Candidates for councilmen shall file a statement of their candidacy, together with their petition signed by twenty-five qualified voters in cities of 5000 to 25,000, and one hundred qualified voters in cities of over 25,000 population, and shall pay the fee for the expenses of said primary.

¹ Up to the present time Missoula is the only city in the State which has adopted the commission form of city government.

² Ch. 227, March 29.

³ Ch. 24, April 7.

No party designation shall be permitted upon the ballot. The names shall be rotated upon the printed ballots. Candidates at the primary receiving the highest number of votes, in number not exceeding twice the number of councilmen to be selected at the general election, shall be considered the nominees. At the general election the ballots shall be similar in form and in rotation of names to those used at the primary election, and the three, five, or seven persons receiving the highest number of votes shall be elected councilmen.

The city council so selected shall possess and exercise all executive, legislative or judicial powers hitherto held by the mayor, council, water board, board of fire and police, park or excise board or fire warden. These powers and functions shall be distributed into departments, one department to each councilman. The council so selected shall choose a president, who shall be known as mayor of the city, and shall be paid an additional stipend. He shall have no veto power. The city council shall elect all other officers and fix their salaries. No employee of the police, fire, or water departments shall be employed for political reasons, nor can he be discharged except on charges and hearing thereon. The council shall have power to discontinue or abolish any office it deems necessary and to create any office or board. Efforts to influence any city employee in politics by any other officer or employee is a misdemeanor punished by fine or imprisonment. Any councilman may be recalled at an election petitioned for by 30 per cent of the qualified voters and his successor may be chosen at the same election. The initiative and referendum upon ordinances may be called by a petition of 15 per cent of the qualified voters. After four years' trial any city adopting the commission form of government may by a majority vote abandon the same.¹

A. E. SHELDON.

Nevada.—The most important measures affecting municipal government were the two constitutional amendments providing respectively for the initiative and referendum and for the recall. The former of these amendments² applies to county and municipal governments, so far as local, special and municipal legislation of every character is concerned. The legislature may provide for the manner in which these powers are to be exercised, but it cannot require the signature of more than 10 per cent of the voters of any county or municipality to put into effect the referendum, nor the signatures of more than 15 per cent to propose any municipal measure by initiative. The second of these amendments³ provides that any public officer—State, county, district or municipal—may be subjected to a recall election upon petition of 20 per cent of the electors. The reason for the petition is to be set forth in not over two hundred words. A special election must be ordered within twenty days. The ballot at such an election is to contain not only the argument above mentioned in favor of the petition, but also the official's justification and defense of his position expressed in not over two hundred words. No petition is to be filed against any public officer until after he has held office for at least six months, except it be a legislative officer, in which case it may be filed not earlier than ten days after the beginning of the first session.

Another measure of general interest is the act⁴ incorporating the town of Los Vegas, and providing for it a charter approximately of the commission form. This charter provides for a mayor and four commissioners to be elected at large. The four commissioners are to be designated by the mayor and may be changed from one department to another by the mayor at any time. The act also provides for the recall of any elective official upon petition of 20 per

¹ Certain measures dealing with other features of municipal government will be dealt with in a future number.

² No. 3, p. 446, February 1.

³ No. 4, p. 448, February 2.

⁴ Ch. 132, March 16.

cent of the entire number of citizens entitled to vote.¹

(REV.) LLOYD B. THOMAS.



New Hampshire.—The legislature authorized towns and cities to vote such sums of money as they shall judge necessary to establish, equip and maintain public play-grounds;² to appropriate not more than \$800 each, annually, for free band concerts;³ to contract with street railways to sprinkle the streets;⁴ empowered the city of Keene to acquire a municipal forest to protect its water supply;⁵ provided for charter revision in Keene⁶ and Manchester,⁷ enacted an amended charter for Nashua,⁸ which was rejected by her citizens; and continued the policy of the State in interfering with local police affairs, in several instances fixing the per diem salaries of policemen.

E. L. PAGE.



New Jersey.—Bowling to the will of the people of New Jersey, as expressed at the general election in November, 1910, when Woodrow Wilson was elected governor and carried into office with him the Democratic House in the legislature, the General Assembly enacted many progressive laws including thirty-nine statutes regulating certain features of municipal government. Perhaps the most important of these latter measures is the Walsh commission government act,⁹ which permits all towns and cities by referendum vote, to adopt government by commission, with initiative, referendum and recall features. This act provides that the commission form may be adopted in any municipality by a major-

ity of those voting on the question at a special election, provided such majority vote equals 30 per cent of the votes cast at the last preceding election for members of the general assembly. The important features of the act are that it centralizes responsibility in municipal government; creates business efficiency and makes every act of the governing body open to the knowledge of the general public through public meetings. Among other things, the act provides for the initiation of municipal ordinances by 15 per cent of the vote; recall of elective officers by special elections upon petitions signed by 25 per cent of the voters; and the reference of municipal legislation to popular vote upon a petition signed by 15 per cent of the legal voters.

All city boards, officers and employees, except the board of education, the police force and the firemen, are abolished from the date at which the first commission takes office, and the commissioners are vested with all administrative, judicial and legislative powers, vested in any preceding governing body. Other noteworthy features are the public advertising of all ordinances of vital interest; a limited bonded debt, not to exceed 10 per cent of the assessed valuation of all property within the city; elimination of political preference in appointments to office; monthly publication of financial statements as to the city's finances and direct nomination of all candidates for the office of commissioner.

Other important laws enacted at the last session include acts providing for summary investigation of the financial affairs of cities and counties; for the settlement and relief of the poor; for the establishment of playgrounds; for an eight hour day for workmen in cities; for municipal ownership and control of water plants; for municipal power and lighting plants; for pensioning policemen and for the promotion of shade-tree planting in cities.¹⁰

¹ Other acts passed at this session affecting other features of municipal government will be dealt with in a future number.

² Ch. 146, April 14.

³ Ch. 81, March 28.

⁴ Ch. 39, March 7.

⁵ Ch. 233, April 5.

⁶ Ch. 316, March 30.

⁷ Ch. 286, March 7.

⁸ Ch. 360, April 15.

⁹ Ch. 221.

¹⁰ Some of these measures may be noticed in a later number.

Another act which had a most important indirect effect upon city government, was the Geran election law.¹

FRANK THOMPSON.

✱

New York.—Only one measure of any general importance relating to any of the features of municipal government dealt with in this number was enacted at the 1911 session—viz., a resolution providing for a home-rule amendment to the constitution, which was passed for the first time. This resolution and certain acts relating to other features of city government will be dealt with in a future number. The contest over the Tammany-Gaynor charter is described elsewhere (page 61) in this issue by Mr. Tanzer.

✱

North Carolina.—No acts of any importance dealing with charters or charter-making, the structure or working of city government or the relation of the city to the State, were passed. A special primary election law was enacted, applying only to the city of Raleigh and to Wake County. This act² provides for official primary ballots of the office-group form. It also prescribes various rules to govern primary elections, in addition to those provided by the general primary law of the State.

A few other acts affecting municipal government were adopted. One of these³ amends section 2916 of the Revisal of 1905 authorizing municipalities to operate and maintain waterworks, sewerage systems, gas and electric-light plants, etc. Another⁴ allows the authorities of any incorporated city or town to submit to popular vote, on petition of 25 per cent of the registered voters, the question of the establishment of a free public library. Another⁵ provides a new charter for the city of Kingston.

¹ Ch. 183.

² Ch. 620, March 6.

³ Ch. 86, March 4.

⁴ Ch. 83, March 4.

⁵ Ch. 578, March 4.

North Dakota.—An important law relating to cities was the extension of the commission form of government to include towns and villages having a population of not less than 500 inhabitants.⁶ The old law (1907) permitted only cities of 2000 population or more to adopt this plan of government. The scheme of administration remains the same.

Another important law provided for the initiative, referendum and recall in cities which have adopted the commission plan.⁷ A strange feature of the law is that the percentage requirement in each case is 25 per cent. When an officer is sought to be removed, the petition praying for such removal must be signed by a number of qualified voters equal to at least 25 per cent of the votes cast for all candidates for the office of president of the city commission at the last general municipal election. Within not less than thirty days nor more than forty days after the filing of such petition with the city auditor an election must be called. The person sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, his name is placed on the ballot. The candidate receiving the highest number of votes is declared elected.

Any proposed ordinance may be submitted to the board of city commissioners by petition signed by electors of the city equal in number to 25 per cent of the votes cast for all candidates for president of the city commission at the preceding general municipal election. An election must then be called within twenty days and if the majority of votes cast are in favor of such ordinance it becomes valid and binding.

No ordinance passed by the city commission can go into effect until ten days after its passage, unless the preservation of public peace, health or safety requires that it shall go into effect immediately. If a petition signed by a number of legal voters equal to 25 per cent of all the votes cast for the office of president of the city

⁶ Laws 1911, ch. 77.

⁷ Laws 1911, ch. 67.

commission at the preceding general municipal election be presented to the commission, protesting against the passage of such ordinance, the commission may reconsider its action or repeal the same, or if it is not entirely repealed, must call an election, and such ordinance does not become operative unless a majority of votes cast are in its favor.¹

I. A. ACKER.

✱

Ohio.—The principles of initiative and referendum have been applied to municipal affairs by the terms of an act passed by the last general assembly.² Thirty per cent (30 per cent) of the qualified voters may propose ordinances to the council, both new ones and repealing ones. This petition must be filed with the city clerk within one hundred and twenty days after the date of the first signature, and by him submitted to council. If this body fails to act on it within sixty days the propositions are certified to the election officials for popular vote at the next general election. Any ordinance "granting a franchise creating a right, involving the expenditure of money or exercising any other power," shall be submitted to a vote of the people, if fifteen per cent (15 per cent) of the voters sign a petition for its reference within thirty days after its passage.

No ordinance of any municipal corporation creating a right, involving the expenditure of money or granting a franchise to a public or quasi-public utility shall become operative in less than sixty days after its passage. This inoperative feature affects all the acts of the council, save some measures classed as "emergency" which go into effect immediately, if they receive a three-fourths majority vote in council. The chief difficulty with this law is the holding-up of the ordinances for 60 days. Coupled with this is the inability of cities to make advance drafts on the county treasury

for money, or to pass appropriation ordinances upon their credit.

The maximum number of city councilmen allowed in Ohio has been fixed at thirty-two (32).³ The method of determining the number is as follows: Between 5000 and 25,000 population, the council is, by law, to consist of seven members, four of whom are elected by wards, and three at large. Between 25,000 and 40,000, nine members constitute the city council, six being elected by wards and the other three at large. For each 15,000 added after the 25,000 mark is passed, one additional member is elected. When the number of councilmen is fifteen or more, one member of every five is elected at large, the remainder from wards.⁴

CHARLES WELLS REEDER.

✱

Oklahoma.—Only one act was passed dealing with any of the subjects treated in this number. This was an act⁵ relating to municipal elections, and making several minor amendments to the previous law relating to this subject (L. 1910, ch. 92). It provides for the division of towns into wards for general city elections, and fixes the date of municipal elections in incorporated towns and villages on the first Tuesday in April, 1911, and every two years thereafter. It also makes the office of town marshal, heretofore appointive, an elective office, and provides for the election of town trustees. The act contains no changes of any great importance.

A few other acts of minor importance, however, dealing with other features of municipal government were adopted. One of these⁶ allows cities of the first class to establish and maintain free public libraries and reading-rooms. Cities with not less than 1000 colored

³ 102 Ohio laws, 77.

⁴ Certain acts dealing with other features of municipal government will be noticed in a future number.

⁵ Ch. 136, March 21.

⁶ Ch. 19, March 16.

¹ Laws 1911, ch. 58.

² 102 Ohio laws, 521-521.

inhabitants may provide a separate library and reading room for negroes. Another act¹ slightly amends the existing law as to condemnation of private property for public purposes by cities of the first class. Still another² regulates the annexation to cities of any but the first class of lands sold for certain purposes and allows them to be detached from the city again on petition of two-thirds of the resident property owners. A fourth act³ authorizes the closing of a public highway on land acquired by a city as a reservoir site.



Oregon.—Practically the only important measure enacted affecting municipal government was a public utilities bill,⁴ which conferred broad regulative powers upon the railroad commission of Oregon as to street railways, gas, electric, water, telegraph and telephone companies. The act followed closely the lines of the familiar Wisconsin law. However, the provisions of the Wisconsin statute as to the issuance of an indeterminate privilege and for the acquisition of public utility plants by the municipal governments were omitted. Municipally owned plants are also excluded from regulation by the commission. Provision is made for an appeal from the municipal council to the commission on the question of the reasonableness of any contract or franchise between a municipality and the utility corporation, but this provision does not apply to such contracts when approved by the people through the referendum or initiated by the people themselves.

The operation of the public utilities bill was suspended by the filing of a petition for a referendum thereon. This was done by supporters of a movement for an amendment of the Portland city charter which would create a local city utilities commission. The votes of the city

however, voted against the creation of a local commission. In November, 1912, at the general election, the State wide public utilities bill will be either approved or rejected by the voters of the State.⁵



Pennsylvania.—While by far the greater part of the legislation enacted in 1911 related to "municipalities" in the broad sense of the word, yet most of it has but little interest for any one living outside of the State. From a non-Pennsylvanian standpoint, perhaps the change made in the councils of cities of the second class (100,000 to 1,000,000,) is of greatest interest. Until the act of May 31, 1911,⁶ was passed cities of the second class (Pittsburg and Scranton) had a bicameral council, known as select and common council. The select council comprised a member from each ward elected for four years. The common council was made up of members elected for two years from the various wards, each ward being entitled to representation according to the number of taxables. Members of council received no compensation for their services.

The new council (uni-cameral) provided for in this act calls for a minimum of five members and for one additional for every 75,000 inhabitants above 200,000 up to 500,000. They shall each receive not less than \$2000 nor more than \$6500 per annum as salary, with fines for non-attendance at meetings of council or councilmanic committees. The heads of executive departments are appointed as heretofore by the mayor but must have the approval of council. Members of council must not hold any other office, city, State, or national, nor be interested in any matter coming before the body, nor be interested in any corporation applying for a franchise from the city.

¹ Ch. 15, March 6.

² Ch. 83, March 15.

³ Ch. 87, March 15.

⁴ Ch. 279, February 24, p. 509.

⁵ This statement was secured from one of the members of the Oregon railroad commission by Miss Cornelia Marvin, legislative reference librarian at the Oregon State Library.

⁶ Laws 1911, p. 461.

There were three constitutional amendments of interest proposed in regard to municipalities. One, which was also passed at the session of 1909, was submitted to the people November 7, 1911, and approved.¹ This new amendment provides that debts may be, incurred by Philadelphia, exclusive of the debt limit of 7 per cent of the assessed value of property, imposed on cities by the State constitution, for the construction of wharves and docks or the reclamation of land for such purpose as public improvements, when such wharves and docks will yield a revenue in excess of the interest of such debt. Another² provides that obligations issued by any county or municipality, other than Philadelphia, to provide for waterworks, subways, or underground railways, or street railways, shall not be considered a debt of such municipality within the meaning of the constitutional provision limiting its debt to 7 per cent. This proposed amendment further enlarges the debt incurring capacity of such municipalities or counties to 10 per cent of the assessed value of the taxable property therein. The third³ permits the classifying of subjects of taxation for the purpose of laying graded or progressive taxes.⁴

JAMES MCKIRDY.



South Carolina.—Three amendments to the constitution affecting municipal government were ratified by the legislature after having been adopted by popular vote. The first two of these amendments⁵ except from the debt limit provisions of the constitution (Article 8, Section 7, and Article 10, Section 5) the towns of Darlington (as to bonds issued for drainage purposes and approved by voters), and Aiken, Camden, Cheraw, Clinton, Edgefield and St. Matthews

(as to bonds issued for certain specific purposes). The third also excepts from these provisions bonds issued by any municipal corporation solely for the purchase, establishment and maintenance of a water works plant, sewerage system or lighting plant, provided that such municipal bond issues are approved by the voters in accordance with legal requirements.

A fourth amendment was also adopted by the legislature,⁶ excepting from the above mentioned provisions of the constitution bonds issued by the town of St. Matthews in a certain specified way and for certain specified purposes.

An act was also passed⁷ adding to the code a new section (Section 1997a) relating to the extension of the corporate limits of cities and towns by the consolidation therewith of adjacent territory. This act allows stipulations made by either the city or town or the adjacent territory prior to such consolidation to become a binding contract on the city or town after consolidation.

There were a few other minor enactments relating to details of municipal government—one relating to the maintenance of public cotton weighing platforms in certain cities and the regulation of the purchase, sale and weighing of cotton.⁸



South Dakota.—The most important measure was an amendment to the commission government law.⁹ The original law¹⁰ provided for a commission of five members and the first amendment of 1911 provides that cities may have three members instead of five if desired. The other amendments change the form of the ballot and permit voters to vote for either three or five commissioners; provide for a secondary election in case no candidate receives a majority of votes at the first;

¹ Laws 1911, p. 1160.

² Laws 1911, p. 1167.

³ Laws 1911, p. 1167.

⁴ Certain acts dealing with other features of municipal government will be noticed in a future number.

⁵ Nos. 4, 7 and 8, February 17, February 3 and February 3, respectively.

⁶ No. 9, February 3.

⁷ No. 12, February 17.

⁸ No. 19, February 17.

⁹ Ch. 97.

¹⁰ L. 1907, ch. 86, as amended by L. 1909, chs. 57 and 158.

regulate the salaries of the commissioners and mayor, making \$1500 and \$2000 respectively the maximum; give special duties to the mayor; change the qualifications of eligibility for commissioners from five years' to two years' residence; require the treasurer's bond to be one-half of, instead of the whole amount of the estimated tax for the current year; provide that the assessed valuation of personal property shall not be increased over 20 per cent without notice; and lengthen from sixty days to six months the time of investment of the sinking fund, giving the same additional time for the loaning of moneys.

Another act¹ amends the present law relating to the powers and duties of cities in the matter of local improvements by providing that if all interested owners of abutting property, petition for such improvements, no publication of notice is necessary, and by making twenty days' notice of personal service equivalent to four weeks' publication of the notice in a daily newspaper. Still another act,² empowers city councils of cities of not less than 1000 inhabitants, subject to the approval of the voters, to grant to street railroads 30 year franchises.

IDA M. ANDING.

*

Texas.—Two amendments to the constitution, affecting cities, were passed and will be voted upon in November, 1912. The first of these³ authorizes cities of 5000 inhabitants or over, to formulate their own charters, subject to the terms of the constitution and to such regulations as the legislature may prescribe. The second⁴ authorizes the legislature to provide for terms of six years each for members of all boards established by law, one-third of the number to be chosen bi-enially. This will apply to boards of municipal commissioners, and to

school boards. The terms of such officers are now limited to two years.

The fact that a number of cities were shown by the census of 1910 to have reached the 10,000 class entitled these cities to special charters under the old provisions of the constitution, and this, together with the fact that the constitution had been amended at the same time so as to make all cities of 5000 inhabitants or over eligible for such charters, was made the occasion for the grant of new charters to eleven municipalities. Those for Longview,⁵ Laredo⁶ Houston Heights,⁷ Hillsboro⁸ and Bonham⁹ do not provide for the commission form of government. The charter for Abilene,¹⁰ however, is of the commission type. It provides for a mayor and four commissioners, two of the commissioners to be elected from the northern half and two from the southern half of the city.

The charters of the cities hereinafter named all provide for the commission form of government. The Temple charter¹¹ provides for a mayor and two aldermen; that of Sulphur Springs,¹² for a mayor and two commissioners to be elected in alternate years; that of San Angelo,¹³ for a mayor and two commissioners to be chosen one year and two commissioners to be chosen the next year; that of Taylor¹⁴ for a mayor and three commissioners; that of Terrell¹⁵ for a chairman of the board and two commissioners to be chosen in alternate years; that of Port Arthur¹⁶ for three commissioners. The essential features of the commission form of government, which are found in all these charters are, first, the popular election of the members

⁵ Regular Session, Special laws, p. 1.

⁶ Regular Session, Special laws, p. 58.

⁷ Regular Session, Special laws, p. 102.

⁸ Regular Session, Special laws, p. 218.

⁹ Regular Session, Special laws, p. 645.

¹⁰ Regular Session, Special laws, p. 247.

¹¹ Regular Session, Special laws, p. 314.

¹² Regular Session, Special laws, p. 375.

¹³ Regular Session, Special laws, p. 433.

¹⁴ Regular Session, Special laws, ch. 50, March 20.

¹⁵ Regular Session, Special laws, p. 508.

¹⁶ Regular Session, Special laws, p. 569.

¹ Ch. 95.

² Ch. 96.

³ Regular Session, p. 284.

⁴ Regular Session, p. 286.

of the board of commissioners and of no other officers, and, second, the election of these officers by the voters of the city at large.

Twenty-four bills were passed amending various city charters, most of them making provision for public improvements. Perhaps the most important is an amendment to the Dallas charter¹ authorizing the board of commissioners to enact an ordinance requiring the night closing of saloons. Another authorizes the city of Temple to establish a training school for juveniles.²

Governor Colquitt vetoed the bill providing a new charter for the city of Texarkana, chiefly because of its provision for the recall of elective officers, but also, according to his message, because of his belief that the provisions for the initiative and referendum were in violation of the fundamental principles of our form of government. Other charter bills pending, at this time, or subsequently introduced, were altered to meet the executive's views. In this connection, it is interesting to note that, while the court of criminal appeals, the state court of last resort in criminal matters, soon afterwards held that ordinances enacted in Dallas under the initiative and referendum provisions of its charter were invalid, the supreme court of Texas, the court of last resort in civil matters, held that the recall was not violative of the Texas constitution.

TOM FINTY, JR.



Utah.—The first effort for a commission form was made at the legislative session of 1907. The managers of the dominant party in the state were, however, opposed to a change from the old form of government, and the bills, which were introduced were smothered in committee. In the fall of 1909, the Civic Improvement League of Salt Lake City sent a committee to Des Moines for the purpose of investigating and reporting upon the

results of the commission government there. It reported favorably and bills modeled after the general plan of the Des Moines system were introduced in the legislature of 1909. It was a notable feature of the fight that the leaders of the American party, which was in power in Salt Lake City, and the leaders of the Republican party, which was in power in the state, combined in an effort to defeat the passage of the bills. The members of the legislature generally, however, were in favor of giving the system a trial, and the bills passed, but were vetoed by the governor.

In 1911 the effort was again renewed, and after eliminating the initiative, referendum and recall, the bills were passed, and received the approval of the governor.³ Provision was made for the election of a city auditor instead of providing for his appointment by the commissioners, as in the Iowa plan. Cities of the second class have but three commissioners. Salt Lake city is the only city of the first class: There are four cities of the second class, viz: Ogden, Logan, Murray and Provo. The cities to which the plan applies are given no option in the matter, as the law is self-acting, and requires no vote to put it in effect.

In Salt Lake City and Ogden, the salaries are fixed at \$4200 for the mayor and \$3600 for the other commissioners, and the auditor \$2400 per annum. The cities of the second class having less than 20,000 population provide by ordinance the salaries of the officers, and it is the duty of the out-going city council to fix the salaries of the incoming officers.⁴

FRANK B. STEPHENS.



Washington.—Cities of 20,000 inhabitants or over are granted by the constitution the privilege of framing and adopt-

³ Chs. 125 and 126, March 20. The electoral provisions applying to cities of the first and second classes were put in a separate bill, ch. 126.

⁴ Certain measures dealing with other features of municipal government may be dealt with in a future number.

¹ First called Session, p. 129.

² First called Session, p. 179.

ing their own charters. Under this constitutional provision Tacoma and Spokane have adopted the commission form of government. The Allen¹ act passed in 1911 provides a form of government which may be adopted by cities not included within the home-rule provision of the State constitution. It follows rather closely the Des Moines law adapting the provisions to the needs of the small city. The term of office for the mayor and two commissioners is three years. Nominations are to be made by petition of one hundred voters and provision is made for non-partisan primary and regular elections. The salary of the mayor ranges from \$500 in cities of 2500 to \$2500 in cities of more than 14,000; the salary of the commissioners from \$250 to \$2000. As is the custom in cities with the commission form of city government the commission is granted full legislative executive and administrative powers. The mayor is entrusted with special supervisory functions, but no veto power. The city clerk is the only office in addition to the commissioners designated specifically in the act. Other officers and employees may be appointed and removed at the discretion of the commissioners. The salaries and duties of such officers and employees are to be determined by the commission. The act provides for the initiative, referendum, and recall. The initiative and referendum may be invoked on petition of twenty-five per centum of voters, the recall requires thirty-five per centum. A recall election may not be called until six months after the commissioners have taken office. For all grants of special privileges or franchises, special publicity is required and for the granting of public service franchises the referendum is made compulsory.

The act does not contain civil service provisions, such as are included in the Des Moines and other commission government acts. The plan for the adoption of the act and return to the old form of city government after the lapse

of six years may be accomplished in either case on petition of twenty-five per centum of voters and a majority of the votes cast at a special election. The main significance of the Allen act lies in the fact that all the cities of the state of Washington may now, if they so choose, adopt the essential features of commission government in the form that has spread so rapidly throughout the cities of the United States.

Hoquiam, Walla Walla and North Yakima have adopted the act and are now governed by a city commission of three members.

In order to set at rest a certain type of objection to charters adopted by cities of the first class an act² was passed authorizing any city of the first class to provide in its charter for the recall of elective officers and for direct legislation by the people on any matter within the scope of city powers.³

CHARLES G. HAINES.



West Virginia.—West Virginia added to its list of commissioned-governed cities in 1911 by granting a new charter, modelled more or less on that of Des Moines, to Parkersburg. This charter⁴ provides for the election at large of a mayor and four councilmen who are to have complete control of the city's affairs. They are to be nominated by a non-partisan direct primary, and the two candidates for each office who receive the largest number of votes at the primary election are to have their names printed on a non-partisan office-group ballot at the general election. There are to be five departments of government, the powers and duties of which are to be determined by the commission itself, and the headship of each of which is to be assigned by the commission to one of its members. The commission is to appoint a civil service board of three

² Ch. 17, February 21.

³ Certain act dealing with other features of municipal government will be noticed in a future number.

⁴ Ch. 83, February 22.

¹ Ch. 98, March 17.

members who are to have control over appointments to office in the departments of police, fire and waterworks. The members of the commission are to be subject to a recall election on petition of twenty per cent of the voters who were qualified to vote at the last preceding municipal election. A referendum on any municipal ordinance may also be ordered by a twenty per cent petition. Any ordinance not in conflict with the constitution or laws of the state may be proposed by petition. If the petition is signed by twenty per cent of the qualified voters, the ordinance must be submitted to popular vote at a special election unless a general municipal election is to be held within ninety days. If the petition is signed by only ten per cent of the qualified voters the proposed ordinance is to be submitted to popular vote at the next general election. This charter was adopted by the city of Parkersburg by popular vote on March 21, 1911.

While the legislature thus extended the commission form of government, it took a step in the opposite direction by adopting a series of amendments to the charter of Charleston. This charter, granted in 1909, provided for a board of affairs with large powers—virtually a commission under another name—but compromised with the older theories of American city government by dividing authority between this board of affairs and a small city council. The amendments adopted at the last session¹ further accentuated this division of authority by declaring the council a coördinate branch of the city government and by prescribing that every ordinance, franchise or amendment adopted by the board of affairs should be subject to the council's approval. The powers of the board of affairs in regard to licenses, and to the calling of local option elections as to the sale of liquor, were also altered.

Wisconsin.—A number of laws pertaining to cities were enacted by the Wisconsin legislature in 1911, but by far the most important of all was that providing home rule for cities.² Although recognized as a progressive State, Wisconsin has been slow to accord self-government to its cities. Cities have exercised only such powers as have been specifically granted to them by special charter or general laws, and these grants of power have been strictly construed. The home rule law reverses this practice, and presumes each city to have all powers with reference to its municipal affairs which are not expressly withheld by the constitution or general laws of the state. As stated in the first section, "every city, in addition to the powers now possessed, is hereby given authority to alter or amend its charter, or to adopt a new charter by convention, in the manner provided in this act, and for that purpose is hereby granted and declared to have all powers in relation to the form of its government, and to the conduct of its municipal affairs not in contravention of, or withheld by the constitution or laws operative throughout the state."

Proposed amendments are to be first introduced in the common council or other legislative assembly of the city. This may be done by an alderman or by any twenty-five citizens. If enacted by the council, the amendment must be submitted to the people. If the common council refuses to adopt the amendment, it may still be submitted to a vote of the people upon the petition of ten or fifteen per cent of the qualified electors of the city. If the petition contains fifteen per cent, it is submitted at a special meeting called for that purpose, but if the petition contains but ten per cent of the electors, it is submitted at the next municipal, school, or judicial election. If a majority of the electors voting on the proposition vote in favor of it, it becomes a law and a part of the city charter; but if a majority vote

¹ Ch. 84, February 22, vetoed by the governor but re-passed over his veto.

² Ch. 476.

against it, it has no force whatever. In all cases a vote of the people is required. In the case of radical and extensive amendments or a complete revision of the charter, provision is made for the calling of charter revision convention.

There being some doubt under the Wisconsin constitution as to whether the legislature could enact such a thorough-going home rule law, and there always being the danger that a future legislature may repeal it, the legislature also passed a joint resolution to amend the constitution so that cities might forever have this right of local self-government independent of future legislatures.¹

Under the Wisconsin constitution this joint resolution must also be passed by the next legislature and then adopted by the people of the state, before these home rule provisions may be engrafted in the constitution itself. In the meantime, however, the cities have a home rule statute, and Wisconsin thus becomes the eighth state in the United States to provide home rule for cities.

Statutes were also enacted providing for the initiative, referendum,² and recall.³ By the initiative any proposed ordinance may be submitted to the council upon petition of the voters, and must either be passed by the council within thirty days or submitted without alteration to a vote of the people. If the petition requesting the passage of the ordinance contains signatures equal to fifteen per cent of the voters, it is submitted at the next regular election, but if it contains signatures equal to 25 per cent of the voters, the proposed ordinance must be submitted at a special election called for that purpose. If supported by a majority of the electors voting thereon, the ordinance becomes a law with the same force and effect as if enacted by the council in the regular performance of its functions.

Under the referendum statute, no ordinance, except an emergency ordi-

nance, becomes effective before twenty days from the date of its passage. If within those twenty days a petition is filed, signed by 20 per cent of the voters, and protesting against the enactment of the ordinance, the operation of the ordinance is suspended, and the council must either reconsider and appeal it or submit it to a vote of the people. The referendum is also made to apply to emergency ordinances, which are defined in the law as ordinances passed by a two-thirds vote of the council and declared to be necessary for some immediate purpose, but such ordinances become effective at once. That is, the ordinance becomes effective upon its passage without waiting the twenty days, but a referendum petition may be filed against it, and an election held, and if a majority vote against it, it stands repealed.

By the recall, any elective city official may be made to stand for reelection. Upon petition of one-third of the electors voting for all candidates for governor at the last election, requesting that a recall election be held and stating the grounds which upon the officer is sought to be recalled, and election is held for that purpose. Unless the officer sought to be recalled resigns, he is placed upon the recall ballot to succeed himself. A primary is held for the purpose of choosing candidates to oppose him. If the incumbent is a candidate to succeed himself, only the candidate receiving the highest number of votes at the primary opposes him; if the incumbent is not a candidate, the two highest candidates at the primary are placed on the ballot at the recall election. If the incumbent receives the highest number of votes he remains in office, but if his opponent receives the highest number he is recalled, and his opponent becomes his successor. When the incumbent is not a candidate, the candidate receiving the highest number of votes is declared elected.

These laws apply to all cities in the state except those under the commission

¹ Joint Resolution 31-S.

² Ch. 543.

³ Ch. 635.

form of government, which already have such provisions.¹

FORD H. MACGREGOR.



Wyoming.—While the sessions of the legislature are limited to forty days, many so-called "reform measures" were enacted in 1911. At the next general election in 1912, an amendment to the constitution will be submitted to the popular vote on a proposed amendment for the initiative and referendum. This enactment, together with those providing for the headless ballot, corrupt practices, direct primaries and the commission form of government for cities, comprise the chief "reform" measures passed.

Of the laws passed the last mentioned is of special importance at this time. All cities of the first class, having a population of 3000 and over, may at a special election vote upon the proposition for a commission form.² Fifteen per cent of the registered voters of a first class city must file a petition with the city clerk for this election before the mayor of the city may issue a proclamation for the special election to vote on this form. If the proposition is not accepted by any city at such an election the question cannot be voted upon again for two years, and even then 25 per cent of the voters must sign the petition for another election. When the proposition is favorably acted upon by the qualified voters of a city, a special election is called by the mayor of the city for the election of a mayor and two commissioners. These officers are to receive \$2400 and \$2000 respectively.

¹Certain important acts dealing with other features of municipal government will be dealt with in a future number.

²Chapter 84.

The term of office of the three commissioners is for four years and any vacancy that occurs in the commission the remaining members shall appoint a person to fill such vacancy during the balance of the unexpired term. Candidates must be nominated by a primary election, which is held on the second Tuesday preceding such municipal election. The two candidates receiving the highest number of votes for mayor and the four receiving the highest vote for the office of commissioner shall be the candidates on the official ticket. If only two candidates for mayor and four for commissioner appear on the petition for the primary election, then they will not be voted upon at such primary election but placed on the official ballot in the same way as if nominated at a primary. Two members of the council constitute a quorum, but the mayor does not have the power to veto. No officer or employee may be interested, directly or indirectly in any contract or job for work or materials, or the profits thereof, of service to be furnished or performed for the city. The three commissioners are to be subject to a recall election when at least twenty-five per cent of the registered voters petition for it. Any proposed ordinance may be submitted to the council by the initiative and all ordinances passed by the council, except those for the immediate preservation of the public peace and safety may be acted upon by the people through the referendum.

Thus far (November, 1911) only one city in Wyoming has availed itself of the commission form, viz., Sheridan, where the measure passed by a bare majority of twenty votes.

GRACE RAYMOND HEBARD

EVENTS AND PERSONALIA

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I. STRUCTURE OF GOVERNMENT

Experts in Municipal Government.—

One of the important lines along which the National Municipal League is doing constructive work is an investigation and report upon the feasibility of putting and keeping in expert hands the administrative departments of city government (streets, parks, water supply, etc.), requiring technical knowledge and skill. The desirability does not need any argument; the historical reasons why in our American cities these departments have been kept in "politics" are well known; the fact that in spite of putting the subordinate positions in these departments under a civil service law and rules the controlling policy of the department is the service of "political" ends is unfortunately glaringly true; the waste and inefficiency caused by frequent changes in the heads of such departments have been demonstrated again and again. What is urgently needed is to find some feasible method through which American cities can find a way to take these departments from top to bottom out of "politics" and make them the efficient administrative servants of the city's interests.

This subject is one in which the National Civil Service Reform League and the National Municipal League are equally interested, although approaching it from different angles. These two organizations have therefore united their efforts in a joint committee: Clinton Rogers Woodruff, of Philadelphia, chairman; Robert Catherwood, chairman, Chicago Civil Service Reform Association; Elliot H. Goodwin, secretary, National Civil Service Reform League;

William Dudley Foulke, Richmond, Ind., president, National Municipal League and formerly federal civil service commissioner; Richard Henry Dana, Boston, chairman, Council of the National Civil Service Reform League; Horace E. Deming, Esq., New York, former chairman of the executive committee of the National Municipal League, and Stiles P. Jones, Minneapolis, secretary, Minneapolis Voter's League.

To assist this committee in its deliberations and in reaching a conclusion, the National Municipal League has retained Mr. Arthur Dexter Brigham, of Harvard, to gather information from American and European cities as to what officials may reasonably be called 'experts'; just what civil service regulations (if any) apply to their appointment; whether these experts have remained in office permanently or have changed with each new administration; and what tends to make them permanent if such is the case. He is also seeking to ascertain what the sentiment of administrators, students and publicists is as to whether the higher city experts should change with each new administration or should be permanent, and as to whether the mayor should have the sole power of appointing them or a civil service commission should investigate their qualifications, partly by looking into their past experiences.

A preliminary report from the committee was presented to the National Municipal League at its annual meeting in Richmond, November 13 to 16, and to the annual meeting of the National Civil Service Reform League held a month later.

The Financial Downfall of Lawrence, Mass.—The city of Lawrence, Massachusetts, brought to the verge of bankruptcy by ten years of mismanagement and graft in its municipal administration, is putting its hope for the future in a new form of government to be inaugurated in January. The causes of the political corruption, leading to this transformation, are not far to seek.

Within its area of less than nine square miles are located many of the largest mills in New England, employing a large proportion of the city's 86,000 population. The rapid growth of the factory industry has caused an influx of foreign elements which has resulted in the removal of many of the property owning citizens to the adjoining towns of Methuen, Andover and North Andover. Of the 19,000 assessed polls, 16,000 never pay a poll tax, while only 4,000 pay a property tax, consequently a large majority of the voters had nothing immediate to lose but something to gain by keeping in power the corrupt administration which did not enforce collection. A notorious under-valuation of mill property helped to still the remonstrance of that class of heavy taxpayers. The \$12 per \$1,000 valuation tax limit provision of the state law was evaded by keeping the annual budget, prepared by the finance committee, consisting of the mayor, board of aldermen and common council, within the letter of the law, while overdrafts for the several departments progressively increased from \$48,000 in 1906, to \$205,000 in 1910. The tax levy was kept down by bonding the future for a large share of these overdrafts till the city passed its debt limit and Boston bankers refused in September, 1911, to certify a new loan of \$175,000. Thus there has been a fair field for favoritism in awarding contracts, for overcharges in the purchase of supplies and for systematic robbery of the treasury through loose methods of book-keeping which has been taken advantage of to the fullest extent. The present administration has been able to main-

tain the integrity of the city during the past ten months only through the advance by taxpayers of \$600,000 of taxes before due, at 5 per cent discount.

Publicity was given the corrupt financial situation about two years ago by the conviction on charges of bribery and graft of the Republican Mayor, White, and two associates, who are now serving jail sentences. The present Democratic Mayor, Cahil, and his administration seem to inspire so little confidence in the people that a delegation of leading citizens, in August, appealed to the Governor to get authorization from the legislature for the appointment of a commission to manage the affairs of the city for ten years.

The *Boston Common*, under date of August 19, assigns the city's present fiscal condition to absentee ownership and evasion of civic responsibility; corrupt and unscrupulous organization of liquor dealers controlling both political machines; indolence and selfish indifference of citizens, accentuated by partisan feeling and race and religious prejudice; official incompetence, and the mutual distrust pervading all classes of the citizenship. Special Auditor, F. B. Cherrington, engaged to audit the books of the city for a six-year period just passed, in a preliminary report, attributes the present condition largely to the continuance of old-fashioned methods, administered by partisan appointees; errors in posting and failure to collect taxes, and sums up the situation in these words: "Unintelligent budget making, overdrawn appropriations, laxity of purchasing methods, incomplete receiving records, inadequate checking of vouchers, unbusinesslike collection of accounts due the city, and tardy and incomplete financial reports."

At the last election, November 7, the voters of the city repealed the old charter and adopted a new one, known as Plan II, by a larger majority. This vote was in accordance with an act of the legislature approved in June, making provision for this change. The new

charter provides for a commission form of government including a city council consisting of a mayor and five aldermen, and a school committee of four members and the mayor, all elected at large for two years. These are the only elective offices. The following provisions are inserted: preliminary election for nominations, no party designation on ballots, general meeting of registered voters on petition of 500 of said voters, the recall, initiative and referendum on petition of 25 per cent of voters at last election, publicity of contracts and public approval of franchises.¹



Civil Service Standardization in Chicago.—Under the parks civil service law which went into force in Chicago last July, there was established for each of the Chicago parks a civil service board consisting of two park commissioners and a third member known as the superintendent of employment. Edwin O. Greifenhagen, formerly connected with the efficiency division of the Chicago civil service commission, was selected as the superintendent of employment of the South Park. In coöperation with the other members of the board and representatives of the Chicago Civil Service Reform Association, Mr. Greifenhagen formulated an exceedingly interesting standardization of employment, grading of service and recording of efficiency. Under the system, the service of South Park is arranged in nine classes, including professional, foreman, clerical, instruction, attendant, police, operating engineer, skilled and unskilled labor groups. Each group is in turn divided into grades corresponding to the character of the duties of the positions, including even the lowest grade of positions which do not involve the exercise of independent judgment. The titles of all positions under the service are chosen with a view to indicating as nearly as possible the duties of the office.

The records of efficiency consist of

¹From George G. Sampson.

monthly markings, the subjects and factors of which are such "as will indicate fairly the quantity and quality of service rendered." Reports from departments are to be made to the board by superior officers designated by the board, which has power to investigate the efficiency of any officer or employee. A promotion system is established, eligibility for promotion being limited to persons who have served for at least six months in the next lower grade, except in the police service which imposes a requirement of at least two years; seniority and efficiency are made part of the promotion examination.



The Civil Service Commission and the Courts in Chicago.—In the course of a special investigation in regard to the relations alleged to exist between the police of Chicago and the gambling and social evils of that city, conducted by the civil service commission under a special appropriation by the mayor and council of Chicago, it was contended by the attorney for the defendants that as the evidence was collected and presented by a special counsel employed by the commission, the commission was acting both as prosecutor and judge and consequently an appeal to the courts would be made. The *Chicago Record Herald* in an editorial October 16 commented upon this intended resort to the courts in cases before the civil service commission as follows:

"The civil service act was passed and eagerly adopted by the people of Chicago because of a deep and strong good government sentiment. The law is a merit law; it does not vest property rights in employees; it is not a law to protect dishonest and incompetent employees; it is a law to protect the city against such employees, and to enable her to get rid of them, after fair and efficient trial. The merit commission has certain powers and must follow prescribed methods. Those who complain of its action in a given case must allege and prove abuse of power;

departure from lawful procedure, usurpation. Opinions, however, are not facts. To say that the commission was prejudiced and unfair, or governed by political motives, is to express mere conclusions and the courts cannot reverse the commission on lawyers' conclusions, even when they are sincere."



The Short Ballot in New Jersey and Wisconsin and Colorado.—The Democratic party in New Jersey at its October convention adopted a plank favoring a constitutional amendment which would require that members of the lower house of the legislature be chosen from districts instead of from counties as at present. This would mean a decided shortening of the ballot in large counties like Essex, in which Newark is situated where the number of representatives voted for on a single ballot is eleven.

An interesting report of the Voters League of Wisconsin analyzes the general principles of the short ballot and lays down lines for its definite application to Wisconsin cities. Incidentally the report says: "The short ballot movement is considered by the League the most important single agency for a more efficient democracy which is now before the public and heartily recommends its careful consideration by all citizens."

Here is the League's platform of principles for cities: Elect as few public officers as may be properly done, and appoint all others; elect only policy determining officials, and provide for the appointment of administrative officers by those elected; elect not more than five officials at any one time; and in cities and counties, no candidate should be called upon to make an appeal to a constituency of over 5000 voters.



Senator Penrose on a New Charter for Philadelphia.—The suggestion of U. S. Senator Penrose, made in a remarkable interview shortly before the recent mayoralty defeat of the Republican or-

ganization in Philadelphia, that the State legislature abolish the present system in Philadelphia and substitute for it a form of government in which a small commission of nine members would assume the duties of the councils and work in conjunction with the mayor, has aroused great local interest and discussion, meeting with commendation in some influential directions and strong disapproval in others. The suggestion contemplates leaving intact the present system of executive departments, but hints at a possible curtailment of the powers of the mayor. The national Republican leader of Pennsylvania said he believed that such a form of government will ultimately be put in force in Philadelphia, but spoke also of alternate plans to remedy the existing unsatisfactory councilmanic system by debarring office holders from serving as councilmen, by a reduction in the number of wards, thereby reducing the size of the select and common councils, and by the election at large of a small select council. He expressed the hope that the change would be carefully considered by all the citizens before the next regular session of the legislature.



The Recall in Boston.—Under Boston's new charter,¹ the mayor is elected for four years. State elections are held each year in Massachusetts and the charter provides that at the state election which occurs in the middle of the mayor's term of office there shall be printed upon the ballots the proposition: "Shall the mayor be recalled." If fifty per cent of the registered vote of the city is cast in the affirmative, the mayor is required to stand for reelection at a recall election to be held immediately after the State election. On November 7 the total vote for governor in the city was 78,878; the total registered vote of the city, 110,000, and the total vote on the question of recalling the mayor, 69,836. A hard fight was made by the enemies of Mayor Fitzger-

¹Adopted in 1909.

ald to recall him, but only 37,000 votes were cast for the recall election, or 18,000 short of the total required under the charter. In the words of the *Kansas City Star*: "The Boston election proves, also, that the public official whomakes good need not fear the recall, even if he offends the politicians and the men who want to use his office for personal gain. He can trust the people when he knows the people can trust him."



Municipal Managers in Oregon.—Eugene, Oregon proposed a commission to consist of five unpaid members, who should be responsible merely for the general policy of the city, the actual administration being conducted by an administrative manager to be appointed by the commission. This officer was to hold during the pleasure of the commission and have the power to appoint and fix the salaries of subordinates, subject to the approval of the city fathers. The proposed system was identical with the one introduced in the New York Legislature by the Board of Trade of Lockport. It was submitted as an alternative with a regular commission plan, but neither was adopted.

In Portland a plan of government has been put forth under the title "The Short Charter." This includes the city manager idea. It also lays out a scheme of proportional representation in the selection of members of the commission, and preferential voting for the mayor and auditor.



Recall Provision.—Sacramento's recall provision is unusual in that the question presented to voters is the simple one of the removal of the officer. In case of an affirmative vote on the question of removal, the other members of the commission appoint a successor to fill the office until the next annual election. In case a majority of the board are removed at one time, the city clerk fills the vacancies temporarily, but he must call an elec-

tion within three days for the purpose of filling the vacancies permanently. Modesto's charter has a similar provision. Hereafter but one commissioner a year is to be elected. Thus a real short ballot is secured. There is a suggestion that the adoption of the charter be contested.



Committee of Fifty. Baltimore's Committee of Fifty delegated its powers to a sub-committee of seventeen, consisting of the nine members of the old charter commission and eight others; and this body has approved amendments to abolish party designations and party nominations for municipal offices, imitating the Boston Charter in these respects, and to have the new charter operative in 1913, thus cutting Mayor Preston's term of office down to two years. It is expected that they will also introduce a "re-call" feature, but with the requirement of so large a number of signatures as to make it probably ineffective.



Mayor Gaynor for Commission Government.—In an address at the annual convention of the Atlantic Deeper Waterways Association, held in Baltimore, in October, Mayor W. J. Gaynor of New York City expressed the opinion that the commission form of government is one of the best means of remedying the predicaments of cities laboring under a load of governmental perplexities. He said:

"The days of bi-councilmanic form of city government are rapidly drawing to a close, because they have passed the stage of usefulness. The simpler form of government is bound to be of greater advantage."



A Shorter Ballot in Pennsylvania.—A step in the direction of a shorter ballot was taken in Pennsylvania when Governor Tener in June signed an act providing for the election of one person to fill the offices of prothonotary, clerk of the court of quarter sessions,

and clerk of the court of oyer and terminer, and one other person to fill the offices of register of wills, recorder of deeds, and clerk of the orphan's court, in counties of over 30,000 inhabitants. Heretofore these offices have been filled by different individuals.



Change in Detroit Civil Service.—In accordance with the power vested in cities by an amendment of the home rule act passed by the Michigan legislature during the session of 1911, the common council of Detroit unanimously voted in September to submit to the electors at the next general election an amendment to the city charter placing all matters pertaining to the civil service in the hands of a commission of four members to be appointed by the mayor, not more than two of whom are to be members of the same political party.



New Syllabus of Examinations.—The British National Association of Local Government Officers,¹ comprising 28,000

professional municipal administrators, has prepared through its examination committee a new syllabus of examinations for positions in the classified municipal service. This is reprinted in the *London Municipal Journal* for October 28, 1911.



Italian Municipal Code.—A new set of instructions, regulating the administration of the municipal and provincial code of Italy, has been issued by royal decree of Feb. 12, 1911. The new regulations supersede the regulations issued on Sept. 19, 1899.



Burlington, Vt.—W. J. Van Patten of Burlington, Vt.,² has published a suggestive pamphlet on proposed changes in the charter of that city, based largely upon the program of the National Municipal League.



Pueblo, Colorado, has adopted a new charter providing for five commissioners to be elected on the preferential system.

II. FUNCTIONS

A New Plan for a Dual Water-Supply.—The apparent economic waste due to providing bacterially pure water for for all municipal and private purposes when only a small portion of it is so used as to be a menace to health has led to many propositions for a dual public water-supply, one for potable and one for non-potable purposes. Few modern cities have established such a dual supply and where private corporations have tried the plan, as in mills or factories, disaster has generally followed, because most people will drink the water that is handiest, coolest or clearest, quite regardless of warnings that one supply is unsafe and the other safe.

A novel scheme for a dual water-supply, designed to meet all hygienic require-

ments, was proposed at the monthly meeting of the New England Water Works Association, held in Boston in November. The plan, which was propounded by Prof. Wm. T. Sedgwick, of the Massachusetts Institute of Technology, and H. P. Letton, an engineer under the New Jersey State board of health, included a small special supply of water for drinking and culinary purposes and a large denatured supply for all other purposes. The special supply, being small in quantity, might be found much nearer a city than could a large supply of high grade, and in any event could readily be subjected to whatever degree of purification might be required. The large supply could be taken from any convenient near-by source which afforded water of quantity and character suited

¹Frank E. Ginn, Secretary, 50, Ludgate Hill, E. C., London.

²Free Press Printing Company, Burlington.

to industrial purposes. Denaturization with a relatively large application of hypochlorite of calcium, a harmless compound now widely used in minute quantities to treat potable water, would give the water such a taste and odor as to warn against using it for drinking and cooking, and at the same time kill all possible disease germs which the water might contain.

Statistics indicate that three to five gallons per capita per day would be sufficient for the supply of potable and culinary water, but to be safe ten gallons might be allowed. To prevent waste of the drinking water and to meet its cost, it would be sold by meter measurement, at a relatively high cost.

This dual water-supply plan was not put forward for universal adoption, but to meet some of the specially difficult water problems of today and for more general adoption later on.

Taken by itself, the plan would apparently give good sanitary results, provided every householder could be compelled to take both kinds of water. If allowed a choice between the two kinds, and not at the same time compelled to abandon dangerous shallow wells in house yards, various unfortunate results might be produced. To name only two: the cheaper, more plentiful supply might be taken and the other left, and consequently polluted wells be continued in use; or the potable water alone might be chosen and thus no plentiful supply be available for bath tubs and water closets. The latter outcome would necessitate the continuance of privies, with their dangers from flies and typhoid.

From the economic or financial viewpoint, the dual supply would present apparently grave difficulties. The first cost of two water-works plants and two sets of house piping and fixtures would be much higher, in most cases, than the cost of a single system.

It should be remembered, finally, that the dual supply question was revived largely for the purpose of presenting new aspects resulting from changed

conditions, particularly the safety now possible through denaturizing and at the same time disinfecting water not intended for potable use. Under occasional abnormal conditions such a dual supply as was outlined might prove to be of great sanitary and economic advantage, but no one should advocate its adoption without a thoroughgoing investigation of first and annual costs, nor without taking into account possible resulting complications.¹

✱

The Meaning of Proposed Changes in Sewage Disposal at Chicago.—No one should be misled by assertions that because sewage purification plants have been recommended by Chief Engineer Wisner, of the sanitary district of Chicago, therefore the big drainage canal is a failure. This canal was opened on January 1, 1900, after many years of work and millions of expense. In conjunction with intercepting sewers it diverts the sewage of Chicago and adjacent territory from Lake Michigan southward through the Des Plaines and Illinois Rivers to the Mississippi, at the same time reversing the flow of the Chicago River at all but high-water stages. The canal has been a great protection to the water-supply of Chicago, which is drawn from Lake Michigan through various intake tunnels leading to intake cribs some distance from the shore. The canal has also relieved intolerable nuisances of long standing in the Chicago River and its branches.

Mr. Wisner's recommendation for sewage purification at Chicago arises from the fact that the rapid increase in the population of Chicago will soon require more diluting water than the federal government will allow the Sanitary District to draw from Lake Michigan. Therefore the burden on the diluting water must be lessened by removing a portion of the contaminating matter in the sewage. A choice may be made between purifying all the sewage slightly

¹ From M. N. Baker.

or a portion of it to a relatively high degree. Present indications are that the latter will be the more economical plan, and one that will give good sanitary results.

Mr. Wisner proposes settling and sludge- (solids) reducing tanks of the Imhoff type, supplemented where and when necessary by percolating or sprinkling filters. The tanks would remove considerable portions of the solid organic matter from the sewage by sedimentation and would reduce this sludge in bulk by the action of anaërobic bacteria.¹ The sludge could then be further reduced in volume by drying, after which the choice of final disposal would be from one of several possible plans. Such of the partly purified sewage or effluent from the Imhoff tanks as required further purification would be passed through percolating or sprinkling filters. These, through the action of aërobic bacteria, would still further reduce the organic matter in the sewage and would leave the latter in a stable or non-putrefactive condition. A portion of the organic matter thus being kept out of the canal, the natural oxidizing powers of the diluting water would be able to deal with the sewage.

The Chicago Drainage Canal was carefully designed originally to maintain a balance between the volume of sewage which it carried and the oxidizing power of the diluting water. To the extent that such a plan succeeds the results are as truly scientific sewage treatment as when some artificial process is adopted. Among engineers, the Chicago plan is known as sewage disposal by dilution, and this, as already intimated, is often as proper a means of sewage disposal as can be found—as it generally is by far the cheapest.

Laymen generally, and for that matter not all engineers, do not realize that sewage purification is relative and not absolute, and that nearly all the sewage purification plants, the world over, are

being operated to prevent offensive odors and not to produce an effluent which can safely be turned into water used for drinking purposes. Such, however, is the case.²



New York Municipal Budget Exhibit.

—The second budget exhibit of New York City was thrown open to the public on October 1 and continued throughout the month. In many ways it showed improvements over the one of the previous year. Not only was the general arrangement of the exhibits better, but the essential budgetary facts were less subordinated to the physical exhibits themselves. One of the most interesting phases of the exhibition was that of the finance department which displayed a series of rectangular geometrical models representing the cost of operating the departments of city government by gilded cubes and the increases asked for in 1912 budget by purple cubes. The largest cube represented the total budget expense of \$174,000,000 for 1911. Allied to this was the striking exhibit of the commissioner of accounts, showing the results of his various researches by means of a large ledger of placards turned by an attendant and lighted by a searchlight.

By charts, placards, photographs and models, the problems of street pavement, sewerage and water supply were graphically represented and illustrated. One exhibit of the Brooklyn bureau of highways showed a reduction in the cost of maintaining asphalt pavements by a municipal asphalt plant from nearly seven cents per square yard to less than three cents. Plans of the Metropolitan sewerage commission for a general sewerage system for the whole city to cost \$150,000,000 were shown, and details and pictures explaining the purification of the Gowanus canal in Brooklyn, probably the biggest improvement during the year, and many other phases of the sewerage question were shown by nu-

¹ Anaërobic bacteria work in the absence of air; aërobic in its presence.

² From M. N. Baker.

merous bureaus. Construction photographs of the board of water supply and models of Croton dam formed an exceedingly fine collection. The high pressure bureau was represented by ingenious models showing the difference in height and quantity of water thrown by ordinary hydrant pressure, by steam fire engine and by high pressure service. Lighting was demonstrated in a number of ways, and the fire, street cleaning and police departments showed appropriate exhibits of device improvements.

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Clean-up Crusades.—On November 8, Mayor Keller of St. Paul ordered a general cleaning up of the city and directed the citizens to do everything possible to remove unsanitary conditions. The same day was set aside by Governor Eberhart of Minnesota for conducting a special campaign in the state against the causes of fire, and the result of both campaigns was evident in improved conditions.

Last fall a general campaign for a cleaner and more healthful city was started in New Orleans by the executive committee of the Progressive Union of that city. A strong appeal was made to the citizens to assist, and thousands of pamphlets, briefly stating the provisions of the garbage, street cleaning, sanitation and other ordinances of the city, telling the householders what they are required to do and what they are prohibited from doing, were distributed. The clergy, the teachers and pupils of the public schools and even the moving picture shows were drawn into the service of the campaign.

The city waste committee of the Woman's Chicago City Club has been conducting a vigorous campaign for a better disposal of the city's waste and has been urging that the present inadequate system depending upon several departments of municipal administration be centralized under a commission. The committee has rendered valuable assistance to the departments by issuing in several lan-

guages to foreign householders cards of instruction relative to the proper disposal of waste. For the same purpose, a sanitary instructor, able to talk several languages has been going directly to the homes in some districts to promote sanitary conditions.

*

Chicago Plans.—Chicago now has a civic beauty commission, appointed by the mayor in September, the chairman of which is Alderman Joseph F. Ryan. Its first energy has been directed against the poles which support the trolley wires, electric lights and conveyors of electricity in the city, and a strong effort is being made by the commission to enforce a uniform and more artistic type for them. In an article in the *Chicago Examiner*, Mr. John W. Mabbs predicts that the time will come when the ships of the world will dock at Chicago and proposed the construction of an outer harbor by means of a sea wall or breakwater about a mile and half from the shore, to extend when complete from Evanston to a point beyond the Calumet River, with piers or wharves located on the inner side of the breakwater and connected by means of tunnels with the different railway systems. He estimates that the cost of this improvement could be covered by \$10,000,000. The rapid growth of the city of Chicago is reflected in the large outlay for highways and parks which now amounts to about \$10,000,000 a year. In 1880 only about 200 miles of city streets were paved. Today there are about 2900 miles of highways, more than half of which are paved, and this total is extended at the average rate of ten miles per annum.

*

Civic Improvement in Kansas City.—In October, the City Club of Kansas City in cooperation with the Commercial Club, the Medical Society, the Municipal Art League, the Real Estate Exchange, and other civic organizations of that city, launched an enthusiastic and energetic campaign for a civic center,

better public buildings, better streets, more playgrounds, better transportation facilities and a more attractive city.

An agitation was started also toward securing for the city power to establish building zones and to control its streets to the extent of creating building restrictions along them. The intention is that such control would insure to the citizens buying a home an investment protected against the encroachment of buildings that would mar the neighborhood and thus destroy the value of the home. It is claimed that if a citizen secured a location upon a street designated by the city as a residence street, with restrictions as to what kind of residences could be built thereon, he could improve the property, add to its beauty, and continue his investment with the assurance of permanency.



Civic Commission in Minneapolis.—

A civic commission in Minneapolis of eleven members with William H. Dunwoody, Esq., as chairman has been created. It has engaged the services of Edward H. Bennett and D. H. Burnham of Chicago. Two features of the plans of the commission are particularly noteworthy. The first is a system of great diagonal highways, crossing at the center of the city. Of the four avenues forming this system, two already exist, a third has been definitely ordered by the city council, and the fourth, which will traverse the residential district of the city, is planned as a magnificent boulevard stretching from the business center to the shores of Lake Harriet. The other feature is a series of streets which will be connected to form an irregular ring of six or eight miles in circuit around the closely built up business district of the city to enable the traffic to go around the congested area instead of through it. As the encircling boulevard will intersect streets in densely populated districts, many neighborhood parks are included in the plan.

Comprehensive Plans in Philadelphia.—In Philadelphia, an ordinance went into force last July making it the duty of the mayor to supervise and carry into effect plans for the future development of the city; providing for the appointment and regulating the powers, duties and procedure of a permanent committee to advise, assist and cooperate with him; and granting an appropriation. The subjects for consideration by the committee extend to improvement in railroad and transportation facilities, river and harbor improvements, municipal auditorium and assembly centers, new parks, parkways, boulevards, radial avenues, location of new manufacturing sites and the promotion of Latin-American trade. The committee is to consist of the mayor ex-officio; the city controller, the presidents of select and common councils, the president of the Fairmount Park Commission, the chairman of the finance committee of councils, and ten citizens appointed by the mayor for a term of seven years. G. W. B. Hicks, was appointed as the executive head of the committee by Mayor Reyburn.



Civic League of St. Louis.—

The St. Louis Civic League through its various committees, is engaged upon a comprehensive attempt to bring about improvements in the civil service, an elimination of unnecessary noises, a limitation of overhead signs, extension of the underground wire district, a higher standard of housing and sanitation, and a higher standard of milk supply. To further these ends ward committees have been organized in the various wards of the city for the purpose of studying local needs and holding public meetings to inspire the interest of the people and to stimulate suggestions respecting means and methods to improve conditions. A vigorous agitation is in progress for a closer cooperation and civic union among the thirty-two associations giving attention to the improvement of civic affairs through the creation of a central council.

The movement was inaugurated by a committee appointed jointly by the Civic League, the Federation of Civic Organizations and the Affiliated Improvement Associations.

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Municipal Management of Food Supplies.—If Mayor Speer of Denver successfully carries out his plans, the citizens of his city will have no reason to complain about the profits that go to middlemen who supply them with food-stuffs. Mayor Speer is conducting a vigorous campaign to have a municipal market established.

The high cost of living recently led to the investigation of the city market in Indianapolis by a citizen's committee. It was reported that farmers and producers had been generally supplanted by regular grocers and commission men. The mayor sent a message to the council with recommendations looking to restoring the market to its old use as a place for direct meeting between producers and consumers. In the meantime the mayor has imported many carloads of potatoes and sold them at cost in the city market, with the result of greatly lowering the price of this article in groceries and commission houses.

*

A London Municipal House.—In an article in the *Municipal Journal*, Mr. H. E. Blain called attention to the increase in the number and vitality of organizations that are assisting the various departments of local government in London as an indication of the great activity and progress in municipal government work, and proposed that the organizations and societies associated with the various departments of the local government establish a London headquarters in a suitably located building, with separate offices, but a common library, a conference hall and club rooms. The proposal has created a great deal of interest in London municipal circles and has started a movement for a "Municipal House" which has not only the hearty

support of the local government officials, but also the active coöperation of the organizations and societies themselves. The prospect of an early realization of this proposal is hopeful.

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City Plan Association in Albany.—

Last spring all of the civic bodies of the city of Albany joined in a coöperative movement to secure a city plan for Albany and organized the Albany City Plan Association. All members of the affiliated societies are members of the new association and its board of governors is made up of two representatives from each of the affiliated societies, two members appointed by the governor of the State and three by the mayor of Albany. The Association has prepared an ordinance providing for the appointment by the mayor of a city plan commission of seven members whose duty it shall be to employ experts to prepare a comprehensive plan for the development of the city. A company has been organized with \$100,000 capital to build model cottages for working men, and it expects to erect about 100 six-room cottages each of which will be detached and provided with a garden and lawn.

*

The Des Moines' Civic Center.—Des Moines has the distinction of being the first city in America to realize ideas of a beautiful city on a relatively generous scale. Her "civic center," covering a space of four blocks long and three wide on both banks of the Des Moines river in the heart of the town, is now nearly completed. Four bridges have been thrown across the river, and five buildings, surrounded by beautiful parks and walks, will complete the plan. A library, a coliseum and a post office have been built and a city hall is nearing completion. Plans for an art institute are now being made. The success of the undertaking shows that the people of Des Moines have done things under the commission form of government.

Municipal Functions in Europe.—The *London Municipal Journal*, in referring to the French Government's Bill proposing to authorise the municipalities to lend money for the establishment of local coöperative butchers' and bakers' shops, and to establish such shops under municipal control with an administrator or tenant to whom funds are to be advanced, says:

"These are large proposals, and democracy in these days is moving rapidly and striking boldly. Five years ago we nearly had municipal coal mines because an attempt was made to form a ring to command prices and regulate wages. Let it be well understood we are not advocating municipal bakeries and municipal butcheries, but we do advocate municipal shops for the supply of the equipment and accessories of enterprises that are already owned and commercially operated by local authorities."

*

An Encircling Boulevard for Washington.—The commissioners of Washington have formed plans for the construction of a boulevard which will circle the city and will connect the old fortifications about the national capital. To connect all of the forts it will be necessary to build the road in coöperation with Maryland and Virginia. The appropriation to be sought from Congress will not be so large in amount as might be supposed because many sections of the road are already built and will be merely incorporated in the scheme.

Billboards in Washington are not to be erected, according to an order issued in October by the commissioners, except upon the premises where the entertainment, exhibition or business is conducted, although billboards now erected may be used until the commissioners deem their removal necessary or desirable.

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Seattle's Port Commission and Street Railway Line.—In accordance with a law enacted by the last Washington legislature

empowering cities to establish port districts and elect port commissioners having wide powers to acquire, regulate and control docks and port facilities, Seattle has elected a port commission, and Mr. R. G. Thomson, who has been city engineer since 1892, was appointed the engineer of the new commission. Also, owing to the unsatisfactory service given by one transit company, this city has voted bonds to the amount of \$700,000 for the purchase, by condemnation proceedings, of the street railway line of the company.

*

Coördinating Social and Philanthropic Agencies in New Haven.—The section on social and industrial conditions of the New Haven Civic Federation is endeavoring to supplement the work of the charity organizations in that city by bringing into closer touch the various social and philanthropic agencies who do not directly dispense charity. It was discovered by the League that agencies were duplicating endeavors because of a lack of information as to what each other was doing. The Civic Federation also engaged at its own expense a visiting housekeeper whose duty it is to go directly to homes and demonstrate the principles of household economics.

*

Mayor Fitzgerald of Boston, who was a member of the Boston chamber of commerce party, which visited Europe last summer, is deeply impressed with the municipal experiments which he saw in Germany, and in an address before the Municipal Congress Exposition at Chicago in September, 1911, printed in *The American City* for October, he urges that wise leaders in the United States should profit by the example of the Germans and remove our evils "not by mere palliative measures but by striking at their roots in the social conditions which breed them."

*

Planning in Portland, Oregon.—Since the organization of the Civic Improve-

ment League of Portland the work of comprehensive planning in Portland has gone steadily forward. Mr. E. H. Bennett of Chicago was secured¹ as civic architect and he has completed a series of extensive plans. A new post-office building has been appropriately located, and a new municipal auditorium, for which bonds amounting to \$600,000 were issued last June, will soon be in the course of construction.

✱

Australia's New Capitol.—The commonwealth of Australia has opened to the citizens of all countries the competition for the plan of the new city capitol, to be located in New South Wales. The competition ends on January 31, 1912, and substantial prizes will be given. The growth of this new city, unhampered by the perplexing difficulties which beset

those who attempt to reconstruct old urban centers, will be watched with deep interest by students of municipal government everywhere.

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Spokane's Example.—Spokane, Washington, is providing inclined planes in the place of stairways in the new public school building, thus setting an example to all the cities of the United States in safeguarding the lives of school children against fire panics.

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Utica Municipal League.—The Utica Municipal League is working up a scheme for an associated charities. Like most other places the city has many charitable organizations, but in the past there has been little or no coöperation among them.

III. POLITICS¹

New York.—One also speaks with hesitancy about the Gaynor administration. A year ago Mayor Gaynor was on the crest of a wave of popularity. Now for months past the question in New York has been: "What is the matter with Gaynor?" His action in connection with the charter has been an insoluble mystery to the city.² In the words of a correspondent: "Gaynor remains the sphinx in our city government. His action in several matters has been strong and effective. I had a talk of an hour and a half not long ago with him regarding police affairs; and he showed the clearest and ablest grasp of police problems of any man with whom I have talked in recent years regarding that subject. His recent appointment of Rhinelander Waldo places in office the best equipped man for police commissioner whom we have ever had." On the other hand he

has been not only vigorously attacked because of his connection with the Tammany Gaynor charter, but because of sundry other causes he is generally regarded as having used his great powers to block the satisfactory solution of the subway situation, both in the board of estimate and apportionment and outside.

On the other hand, the mayor's colleagues in the board of estimate and apportionment, at least those of them that were elected on the fusion ticket two years ago as the result of the uprising of the New York electorate and of the militancy which it then displayed, continue to make good.

The Citizens Union committee on the board of aldermen of New York City published a special report on the board for 1910-1911 term. This report follows the report of the Union on the work of the legislature at Albany. It gives a general survey of the important measures before the board, the treatment of these respective measures, tables showing the

¹ Prepared by Clinton Rogers Woodruff.

² See article of L. A. Tanzer on "The Tammany-Gaynor Charter." *Supra*.

vote of the aldermen on the significant measures and individual records of the aldermen. This report has done a great deal to stimulate public interest in the board of aldermen, which in recent years had been sadly declining in public esteem, apparently on account of the curtailment of its powers, and particularly on account of the low standards maintained by a number of members, and unquestionably had a strong influence in defeating a large number of undesirable candidates for election. Although stripped of its most important positive powers, the board possesses a negative influence in the government of the city, and by threatening to reduce items in the budget proposed by the board of estimate and apportionment, its members have been able to wrest from the heads of departments a considerable share of the patronage. The report of the Citizens Union expressly declared that there was ground for the belief that the board had acted as a clog in the city governments, so that "the power of the political district organizations may be increased and department heads compelled to yield to their recommendations in order to obtain apportionments to carry on the work of their respective governments." The tables given by the report seem to substantiate this claim. The committee also took the board to task for refusing to exercise its important functions for investigating certain branches of the city administration in the interests of efficiency and economy. From the individual records published in the report every voter was able to discover how many meetings of the board his alderman had attended and the measures he introduced and how he voted on measures of particular public importance. The Republicans and Fusionists secured a majority in the Board of Aldermen in the election on November 7.

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San Francisco.—San Francisco made a first trial of the city's new non-partisan election system, September 26 and Nov-

ember 7, with results generally considered satisfactory. Under this system names of candidates go on the ballot without party designation, any candidate getting a majority at the primary is thereby elected, and the two highest go on the ballot for the general election if nobody gets a majority at the primary. Many independent candidates appeared, especially for the eighteen places on the board of supervisors, which is the city legislature. A candidate has but to secure ten electors to take the sponsor's oath, to get his name printed on the primary ballot. No candidate succeeded, however, unless he was backed by a large organization. Six such organizations took part in the contest: the Municipal Conference, the Good Government League, the Republican, Democratic, Union Labor and Socialist parties. The first four combined on James Rolph, Jr., a prominent ship-owner, as a candidate for mayor, and had many other candidates in common. The Union Labor party put forward Mayor McCarthy and a straight ticket. The Socialists named Wm. McDevitt.

A record-breaking vote was cast at the primary, 79,019 as against 63,233 at the election of 1909. Rolph was elected at the primary receiving 47,427 votes, McCarthy 27,067, McDevitt 3858. Two other candidates got a few scattering votes. At the primary, two police judges, a city attorney, assessor, county clerk, treasurer, tax collector, recorder, and public administrator received a majority and were elected. This left for the general election of November 7 a district attorney, auditor, sheriff, coroner and eighteen supervisors. District Attorney Fickert and Ralph Hathorn qualified for the first position. The former was elected two years ago over Francis J. Heney on the issue of stopping the "graft prosecution." The issue is dead but substantially the same elements lined up, Fickert being supported by a combination of the Union Labor and corporation forces. The vote fell off from the September election, the total being

69,668. Fickert was elected, getting 35,072 to 33,467 for Hathorn. Boyle, U. L., beat Lackman, reform candidate for auditor, 36,056 to 31,806. Eggers, V. G. L., R. and D., beat Finn, U. L. for Sheriff, 35,152 to 33,726. A strong board of supervisors pledged to support Rolph was elected. Andrew J. Gallagher, secretary of the Labor Council, was the only Union Labor nominee to be elected, although fourteen qualified at the primary.

This is the last election at which so long a ticket will be put before the voters as one-half the offices are henceforth to be filled at each biennial election. The good government forces now have all the offices except district attorney and auditor.

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Los Angeles Election.—The Los Angeles mayoralty campaign attracted very general attention in view of the fact that at the primary on October 31 the socialist candidate held the poll, the vote being Harriman, socialist, 20,157; Alexander, good government, 16,790; Mushet, 8,168. In a total vote of 45,501, Harriman's plurality was 3,161, but as he was in the minority of 2,594, he was not declared the candidate and a second election was necessary. This was held on December 5 and resulted in the reelection of Mayor Alexander by a majority estimated at 40,000 in a total vote of 140,880. The campaign was interesting not only because of the result but by reason of the part which the McNamara trial played and especially the part which the women took in the campaign.

In its issue of December 2, three days before the election, the *California Outlook* expressed a thorough confidence that the vote would be for good government by a surprising majority. It gave as its reasons that the good government forces had gained enormously since the primary, while those of the socialists scarcely held their own. The *Outlook* said among other things that public

sentiment "went heavily against the socialists in the campaign since the primary on account of their attempts to break up good government meetings by riotous conduct. The American people like fair play. The revelations of extensive fraud in registration, all of it apparently on the socialist side, has been entirely beyond boundary for law-abiding citizens, and the pamphlet issued by the Municipal League answering all the points made by the socialist against the administration, a document of which over 100,000 were circulated, helped to clear the air of doubt and question. It has been a campaign of enlightenment and of thorough organization."

Reporting on the eligibility and records of candidates for councils at the election in October, the Municipal League said:

"We must frankly realize that the standard is not in all cases as high as the needs of the city demand. The compensation allowed by the charter (\$100 a month) is totally inadequate to the amount of service that is required, and prevents men from taking up the work strictly upon a business basis; on the other hand, the fact that any salary is paid tends to prevent men from serving as they do on the commissions and board of education, merely for the honor of the place. It is hoped that by the time the next municipal primary occurs our system of government will be on a basis of practical business with a smaller body of responsible councilmen or commissioners who are properly paid for their work."

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Philadelphia.—Naturally the election of Rudolph Blankenburg as mayor of the city on an independent (Keystone) ticket occupies a chief place among the events of the November elections, because of the deeply seated conviction on the part of many that the city was firmly riveted to the dominant national party. Although there were many minor causes coöperating in the result, it represents, in its final analysis, a groundswell on the part of the great mass of the people; for the largest majorities for Mr. Blankenburg were cast in the northeastern

part of the city (which is perhaps the greatest industrial community in the whole country) and in the smaller residential districts of West Philadelphia and the northwestern section of the city. Even had Mr. Blankenburg been defeated, his Republican rival was pledged to a definite policy of progressive administration. It was generally conceded that the election, whichever way it went, would mean a step forward for the city. While it is too soon to forecast all the benefits to accrue from Mr. Blankenburg's election, this much can be said—that it will not only represent a breaking up of those conditions which for years have militated against a wholesome administration of the city's affairs, but will cause far-reaching political alignments. Moreover, it is generally expected, that as a result of this readjustment new men will come to the front in political affairs, who will represent the modern idea that city administration must be for the benefit of all the people and not for contractors and those seeking privileges and private advantage.

Mayor Blankenberg has met reasonable expectations in regard to the selection of his cabinet. His director of public safety, George D. Porter, is a capable man of considerable experience in public affairs and has on more than one occasion demonstrated his adherence to sound principles in municipal administration. Morris L. Cooke, the director of the department of public works, is an advocate of scientific management and a disciple of Fred W. Taylor. The director of supplies is Herman Loeb, elected some years ago councilman from his ward on the Municipal League ticket. The director of public wharves, docks and ferries is George W. Norris, vice president of the City Club and a member of the Committee of Seventy. As a matter of fact all four of these men have been identified with the old Municipal League, the City Party, Committee of Seventy and other progressive movements in Philadelphia.

Boston.—One speaks with diffidence about Boston. It is difficult to feel that any very great progress can be made under the Fitzgerald leadership. At the same time, it is generally conceded that his present administration is a great improvement over his first one. A correspondent, who is not a Fitzgerald supporter, says: "He has been identifying himself very thoroughly and very earnestly with the growth of the city, and promoting plans for better things. He is unquestionably a man of ability: . . . environment is very much better than it was before. The new city charter is working admirably. With a single legislative chamber of nine men we have been able to elect men of very much higher type than the average of most years. With the new charter, the mayor is under very strict limitations, especially in the matter of his appointments. Many of these, as you know, have not been approved. I think this has been the weakest point in the administration. He seems too often to have appointed men where political consideration appeared to be predominant."

The result of the last election in Boston was very satisfactory. Two out of the three candidates elected to the city council had received the endorsement of the good government association; and both of the successful candidates to the school committee received the approval of the same organization. A rather interesting feature of the Boston election was the fact that but 57,000 out of a possible 120,000 voted.



Buffalo.—In a report of the Buffalo Municipal League on the public records of candidates for seats as aldermen and supervisors in the October election, published in the *Express*, it was shown that under the old charter striking evils of the ward system developed, leading to the exploitation by an alderman of ninety-six per cent of the voters living outside of his ward to curry favor with the four per

cent living in his ward, and to the temptation to build up a little machine through accepting the patronage of the head of the chief employing and contracting department of the city. By the application of a series of tests to the attitude of candidates toward measures clearly against the public welfare, it was shown that in many wards the voters could choose only between two undesirable candidates.

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Cincinnati.—Cincinnati, for many years the despair not only of its own citizens, but of municipal students generally, by reason of the strong hold which the dominant political organization had upon it, has not only broken the shackles but, far more important still, has elected to the office of mayor, Henry T. Hunt, a man who does not regard his victory either as a partisan or as a personal triumph, but as an opportunity for real service to the whole community. The overwhelming defeat of the local organization it is to be hoped, and it is generally regarded by those in closest touch with the situation, means the eventual elimination of those political factors which heretofore have militated against the development of that city. As mayor-elect Hunt was consulted in the makeup of the ticket of which he was the head his successful colleagues may be depended upon for hearty coöperation.

During the Cincinnati campaign constant reference was made to the fact that Cincinnati which once led Cleveland had fallen to the rear in the race with that community because of the corruption and inefficiency of her government. In other words that Cincinnati had fallen back in the new civic competition between cities.

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Politics and Municipal Elections in Liverpool.—In commenting upon the preparation of English cities for the fall elections, the London *Municipal Journal* said that in the majority of the cities and towns the contest "will be fought

on party lines in the same silly way as of yore." Commenting further on the prevailing idea in America that parties play no part in municipal affairs, the *Journal* says: "Mr. Carnegie's delusion of an English system of local government untainted by the usual party cleavages will soon be dispelled and political platforms will be crowded with political persons trying to introduce a political element into matters which have no more concern with politics than they have with the man in the moon. We thought we saw a ray of hope in the *Times* the other day when we caught sight of a paragraph headed 'A Municipal Truce in Liverpool.' The first sentence ran: 'The leaders of the Conservative and Liberal parties in Liverpool have agreed to recommend to their respective ward committees throughout the city that no opposition be offered by either party to the official Conservative or Liberal candidates at the municipal elections.' We suppose the *Times* knows what it means. We confess that we do not, but if the political parties of Liverpool have at last decided to eschew politics at municipal elections, the country should be grateful for their lead."

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Pittsburgh.—Pittsburgh has had satisfactory overhauling, partly through the coöperation of the Pennsylvania legislature,¹ partly through the coöperation of the people themselves. Under the law of 1911 giving a new charter to Pittsburgh, including among other things a council of nine elected at large. Governor Tener of Pennsylvania rose to his opportunity and appointed nine men of high personal character and civic attainment to take the place of the council which had disgraced and discredited the city for many years. These nine men so fully met expectation that notwithstanding a vigorous factional fight which broke out in the city, they were supported by both sides and eventually

¹ See Department of Legislation, *infra*.

elected by an overwhelming vote; thus assuring to the city a continuance of the excellent administration they had already inaugurated.



Cleveland.—Newton D. Baker, for a number of years an efficient city solicitor, and probably the most intelligent and effective proponent of Tom Johnson's best ideas, was elected mayor by a large majority over a personally popular Republican candidate. Mr. Baker possesses many qualifications for a successful administrator and, moreover, a personal popularity and charm that will help him over many a rough place. The same may be said of Mr. Blankenburg, whose personality was an important factor in his campaign. It is reasonable to expect that Cleveland, already an admirably managed city, will make new records under Mr. Baker's guidance.



Colorado Springs.—The decline of partisanship under commission government is manifest in Colorado Springs, which, though overwhelmingly Republican in state and national elections, at the recent election returned two Democratic councilmen. In the same city, the failure of the Republican partisan attempt to recall the Democratic mayor gives encouragement to those who advocate its use in municipal affairs and believe that it cannot be successfully invoked for trivial reasons.



Non-Partisan Voting in Ohio.—As the result of the passage of the non-

partisan judiciary bill last spring, all over Ohio the names of candidates for judicial offices appeared on a separate ballot without any party designation whatever. For the judicial candidates it will be, as the *Citizens Bulletin* of Cincinnati shows, an unique experience. The weak candidate will no longer have his party to depend upon to carry him through. The law requires that the names on the ticket must rotate. This gives one candidate the chance to be first as many times as any other.



Salt Lake City.—According to a despatch in the *Chicago Post* by a landslide "American" party rule was overturned, the citizens' non-partisan party gaining the opportunity of being the first to set in motion the new commission plan. The "American" party was organized to oppose Mormon control in local affairs, and has been in power since 1905. There is no question that the vote of the woman electors brought out in extraordinary numbers by recent reform agitation was largely responsible for the overthrow of the "American" ticket."



Rochester.—The Republicans made a clean sweep of all candidates for city offices. The mayor was reelected by 6700 majority, a greater one than any mayor ever before received. Out of twenty-two aldermen the Republicans elected 19, and out of forty-two supervisors, 36, and yet two years ago this same city overwhelmingly defeated the "boss" when he ran for Congress.

IV. MEETINGS AND ORGANIZATIONS¹

Social Center Conference.—Doubtless no organization of a similar character was ever inaugurated under more auspicious circumstances than those which attended the launching of the new Social Center Association of America at Madison, Wis., on October 28 after four days of continuous speaking and two business sessions. In the words of E. J. Ward, the first social center engineer of Rochester, now of the Wisconsin University extension division, who had charge of the conference arrangements, the delegates "went to the mat" four times daily. In fact the program, delightful and instructive as it was, had the common fault of nearly all such programs—it was heavily overloaded.

The net results were large and encouraging. The constitution, as adopted, declares the purpose of the Association to be "the promotion and development of an intelligent public spirit through the community use of public school houses and other public buildings for discussion of all public questions, and for wholesome recreational, educational and civic activities." There was no great disagreement on this important paragraph, and what there was, took place in the large omnibus committee which the president was authorized to appoint for consideration and report upon all the business of the meeting. Some few delegates were not sure that a breadth of statement which might include political issues in social center discussions, ought to be adopted; but a large and overwhelming majority took or endorsed the stand that if any subject of discussion was permissible at such centers of exchange in views and ideas, it was the subject of government, which touches so nearly the daily and personal welfare of every human unit in the country; and so the Association stands

practically for a revival of the old New England town-meeting "and more also." According to the constitution, the idea underlying the movement is described as follows:

"The social center represents all the people in all those interests which are common to all. It is the people's forum and permanent headquarters for citizenship and neighborly spirit. In it the people come to know one another and how to make their government work. The public school plant now functions only in part. Its present service is parental. The social center makes it also function fraternally. Details of this widened use of the school plant vary with local needs, but its spirit is the Lincoln spirit."

Officers of the League were elected as follows: President, Dr. Josiah Strong of New York; vice-presidents, Frank P. Walsh, Kansas City; George M. Forbes, Rochester, N. Y.; Louis Brandeis, Boston; Chancellor Strong, University of Kansas; secretary, Edward J. Ward; treasurer, George W. Harris of Cincinnati. The secretary will receive no salary. Twenty-four honorary vice-presidents were named, among them Miss Anne Morgan, daughter of J. P. Morgan; Charles Edward Russell, William Allen White, Supreme Court Justice Charles E. Hughes, Senator LaFollette, Governor Woodrow Wilson, W. S. U'Ren, Miss Jane Addams, Mrs. Ella Flagg Young and Miss Mary E. McDowell of Chicago. The University of Kansas will get the next conference, meetings to be divided between the cities of Lawrence and Kansas City, Kansas.

As an indication of the various specific benefits which the promoters of the movement expect will be derived from a wider use of available public buildings, especially schoolhouses, the subjects of five papers read at one of the afternoon sessions, are here given as follows: "The Schoolhouse as a Branch Public Library," "The Schoolhouse as a Local Health

¹ Except where otherwise indicated these notes were prepared by Roger N. Baldwin, secretary of the St. Louis Civic League, under Dr. Beard's editorship.—C. R. W.

Office," "The Schoolhouse as an Employment Office," "The Schoolhouse as a Local Art Gallery," "The Schoolhouse as a Branch Legislative Reference Bureau."

A great deal was said at two evening sessions about "what the newspapers of the country cannot do" in the way of continuously misinforming or failing to inform the public as to the real facts about important affairs, and on the other hand as to what they can do if they can be brought or forced, through an educated public opinion, brought about by a free and frequent interchange of thought, to a realization of their opportunities and responsibilities. The experience of Rochester, N. Y., where the first schoolhouses were opened for public discussions, and the lessons learned there, formed the basis of several valuable addresses which guided the conference in its business. Reports from various parts of the country where beginnings in social center work have already been made, were given by men and women who have taken an important part in these beginnings. At the opening session Wednesday evening, the principal speaker was Governor Woodrow Wilson of New Jersey, who made an illuminating address, showing a thorough grasp of the purpose of the gathering, which proved a splendid send-off for the conference. His subject was "the need of citizenship organization." Two other speakers of national reputation during the conference were Governor W. E. Stubbs of Kansas who spoke on "the spirit of Kansas," and U. S. Senator Moses E. Clapp of Minnesota, whose subject was "real democracy."¹

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The Milwaukee Budget Exhibit.—Few American cities have presented such splendid object lessons of municipal advance as those shown in the "Budget Exhibit" at the Auditorium in Milwaukee during the last week in November.

¹ From Joseph McC. Bell, Secretary of the Voters' League of Milwaukee and representative of the National Municipal League at the Conference.

The name, indeed, does it an injustice. It grew out of the fact that the concrete display of work being accomplished and methods used, was, primarily, an illustration of the expense budget that had just been prepared for the coming year. But the name failed to suggest the wealth of display covering every form of municipal administration, which the exhibit revealed. It was an exposition of municipal progress, and one that reflected the greatest credit upon the administration.

The influence of such other great exhibits as the Child Welfare Exhibit of New York and Chicago and the City Planning Exhibition of Philadelphia was plainly evident upon this show. The chart method of portraying facts and the cartoon method introducing the element of humor into serious subjects, were well developed in the various exhibits. And the huge auditorium, which is of such size as to seat seven or eight thousand people, was crowded with the exhibits. Every branch of the city government was represented except the school board, which declined to participate, and the city officials were to be found in the displays of their several departments until late at night, and as much of the time during the day as they could spare from their office duties.

The main aisle opened with the exhibits of the mayor's office on the right and the city clerk's on the left. Comparisons of old and antiquated systems of accounting with modern methods were some of the details of both these exhibits, and a humorous cartoon showing the successive steps in the progress of a bill through the common council—drawn by a high school student—enlivened the walls of the latter. The central place in the exhibit was devoted to work in the campaign against tuberculosis and in the interest of pure foods and drinks. The health department showed a system for the purification of water by injections of ozone into it, which is successfully in operation in St. Petersburg and several German cities, and which may

be the solution of the problem of a pure water supply for American cities. New methods whereby the same conduits carry wires for police and fire alarms and for municipal telephones (for the use of city employees) were shown, with an iron post containing the three call boxes on as many sides, and an electric device at the top, for calling a patrolman at night, to be waved from all the posts within his beat until he answers from one of them. The public library and the public museum, both of which in Milwaukee are exceptionally well developed, had interesting displays, the latter showing, among other things, a number of exhibits of tree stumps into which sticks, straws, and other objects had been forced by a cyclone in Rock county less than a month previous to the exhibition. The Milwaukee public museum probably stands first among municipal museums in this country, for which the present superintendent, H. L. Ward, is chiefly responsible; and it is said that the annual attendance at the museum is exceeded only by one in New York, among all American institutions of the sort.

Concrete examples of different sorts of paving were shown, including several chunks of asphalt that had been taken up from different streets for the purpose, showing the constituent elements of the composition. The coroner's office had a device showing, by lights, the number and character of deaths and accidents reported at his office during each day. A very large exhibit showed deficient weights and measures that had been confiscated at city shops—a sad illustration of how widespread is commercial dishonesty in our day. The "penny lunches," such as are served in a number of our public schools by the "Woman's School Alliance," were also purveyed in a booth to any who made that investment, receiving in return for the one cent as large an amount of nourishing soup with rolls as he or she could consume—thus playing havoc with the spectre of the high cost of living.

And so the enumeration might be con-

tinued. The different city departments were simply turned inside out for the inspection of the people, and printed matter telling the details of the work of each, and how it was adapted to serve the people, was liberally circulated. Best of all, everything that might seem to be a comparison of political parties, in their respective administrations of the city, was carefully eliminated. Only in one chart did I observe the terms "this administration" and "former administrations" or their equivalent, and not once a reference to parties by name. Comparisons of cost and of methods were frequently given by years, but no suggestion as to the beginning or the end of administrations or régimes accompanied them.¹



Conference on Uniform Schedules.—

A conference was held at the Hotel La Salle, Chicago, Illinois, September 26, 27 and 28 for the purpose of securing the greatest practical uniformity in the schedules used by the Bureau of the Census, and by the various state bureaus or offices established for uniform municipal accounting or reporting. The conference was called by the Director of the Census, the Hon. E. Dana Durand, and the following named persons were in attendance: Hon. L. G. Powers, chief statistician of the Census; George C. Bryant, expert special agent, Hon. Joseph T. Tracey, of the Bureau of Inspection and Supervision of Public Offices of the Bureau; and W. A. Dehority, state examiner, Indianapolis, Indiana; Charles F. Gettemy, chief statistician, Bureau of Statistics, Boston; Theodore N. Waddell, Bureau of Statistics, Boston; A. E. James, statistician, Wisconsin Tax Commission; Edmund D. Fisher, assistant comptroller, New York; Duncan MacInnes, comptroller's office, New York; Allan R. Foote, president, International Tax Association, Columbus, Ohio; F. R. Leach, associate director, Bureau of Municipal Research, Cincinnati; U. L. Leonhauser, secretary,

¹ From Frederic Cook Morehouse.

Metz Fund, New York; John MacVicar, secretary, League of American Municipalities, Des Moines, Iowa; Prof. John A. Fairlie, University of Illinois, Urbana, representing the National Municipal League, Prof. B. M. Rastall, associate director, Milwaukee Bureau of Efficiency and Economy, Milwaukee.

Mr. Powers was chosen chairman of the conference and Mr. Waddell, secretary. The conference held six sessions in all. The Census schedule and classification of expenditures based on the National Municipal League's schedules were made the basis of discussion, which concerned itself principally with the changes that could be made to facilitate their adoption by the various state offices, and to render it possible for the several cities to make prompt use of accounts that would permit the presentation of data classified in accordance with the Census schedules, and by standard units of costs. All present appreciated the fact that the schedules should be so arranged as to facilitate the ready compilation of comparative statistics along the lines hitherto followed by the Bureau of the Census, and the various state offices, and set forth in the program of the National Municipal League. They were equally desirous that the new schedule when formulated should open the way by its use for logical, comparative statistics and accounts to promote the efficiency and economy of the administration of the several offices.

The conference was a working body of earnest, thoughtful and intelligent men, who were striving to reach the same ends in a difficult field, in whose cultivation they were all pioneers. A tentative schedule was adopted, which will receive the careful study of all present and be considered with reference to its adaptability to local state offices. Future conferences were also arranged for. One of these conferences was held in Columbus, October 20, when the schedule, as a result of this series of conferences, was given its final form. A compilation of its provisions and the changes made as

compared with earlier schedules will be prepared for the pages of the NATIONAL MUNICIPAL REVIEW.



British Tramways Conference.—In September the tenth annual conference of the Municipal Tramways Association of Great Britain was held at Glasgow. Mr. James Dalrymple, general manager of the Glasgow tramways, whose name is well-known in America as the foreign expert consulted some years ago by Mayor Dunne, of Chicago, delivered an address as President of the Association. One of the notable papers read at this conference was on the "Common Good" of Glasgow, by Councillor Walter Nelson, of that city. The Common Good is a sort of general fund, into which certain revenues derived from municipal property are paid and out of which the expenses of certain departments are met. In 1909 an act of Parliament was secured making the Glasgow tramway undertaking a part of the Common Good. A clause in this act provided that the tramway revenues should be expended (1) in maintaining the tramways and the portions of the streets occupied by them in good repair; (2) in paying operating expenses; (3) in providing interest on tramway loans, together with sinking fund charges; and (4) in providing the sum necessary to meet depreciation. Any surplus after providing for the payments just described was to be carried to the credit of the Common Good, to be applied at the discretion of the city to the extinction of debt, the reduction of rates or to any other purpose to which the Common Good might competently be applied. The net revenue accruing to the city from the tramways for the year ending May 31, 1894, the last year under private operation, was £5,660. The average net revenue to the city for the entire period of private operation, from 1871 to 1894, was £2,766. Under municipal operation the net revenue from the tramways credited to the Common Good has increased from £9000 a year at the

beginning to £68,678 for the year ending May 31, 1911. The city of Glasgow has never, except last year, handed over any moneys either from the tramway department direct or from the Common Good in the relief of rates. Last year it was decided to relieve the parks rate to the extent of 2d. per £1. This necessitated turning over to the parks department from the surplus revenue of the Common Good the sum of £43,995. When the question of repeating this contribution came before the town council in the current year the motion was defeated, and on August 3 last, the council passed a resolution "that the surplus of the Common Good be in the meantime retained in a suspense revenue account for application by the corporation for the purpose of acquiring and removing buildings in congested areas within the city, as might be hereafter determined."

In the report of the Tramways Conference published in the London *Municipal Journal* for October 7, 1911, a summary is given of the opinions most largely held by the men responsible for the operation of the municipal tramways of Great Britain. It is said that "rates should not be relieved from tramway profits if tramways committees can help it," and that in any case before rates are relieved the local authorities should build up strong reserve funds. It is also stated as the general consensus of opinion that "the limit of concessions in regard to fares, wages, etc., has been reached. Half penny fares are anathema. Workmen's cars should not be run at a loss." Tramway men's strikes should be settled by referring the dispute to the tramways manager, with power to act. Other points of agreement related principally to various improvements in equipment.¹



International Municipal Congress.—An international municipal congress and exposition was held in Chicago from September 18 to 30. It had been widely advertised in the various cities

of the country, particularly among the officials interested in the League of American Municipalities, the secretary of which, Mr. MacVicar, was commissioner general of the Congress. The exposition occupied the entire Coliseum, consisting chiefly of municipal appliances, and wall-exhibits of municipal departments in Chicago, New York and a number of smaller cities. The Congress held twelve afternoon and evening sessions. The object of the Congress and Exposition was to popularize municipal progress and to furnish an opportunity for exhibitors of municipal appliances to show their goods. This exposition of municipal appliances was well displayed, occupying practically the entire floor of the Coliseum. Street cleaning machines, voting machines, lighting fixtures, drinking fountains, office systems and other appliances incident to municipal government were shown. At one end were the extensive exhibits of the city of New York, most of which were shown in last year's budget exhibit and a very large exhibit of the Chicago health department and sanitary district. The Association of Commerce displayed its elaborate material on the Chicago city plan. The gallery around the upper part of the building was given over to a very extensive exhibit of city plan drawings and sketches from American and European cities and to a well-displayed exhibit of the Chicago public schools.

Throughout the Congress the attendance was miserably small. The Chicago public had not been actively interested in the Congress and although many attractions were provided, such as band concerts and moving picture shows, the attendance, except for school children, was never large. The twelve sessions were held in an open room leading off the main floor of the Coliseum. The arrangements were entirely inadequate, the room noisy and the audience small and varied, consisting largely of women and children. Some of the programs were very strong, distinguished authorities in municipal government coming

¹ From Dr. Delos F. Wilcox.

from many cities in the country to make addresses. There were in addition seven special sessions on problems of hygiene led by former Health Commissioner W. A. Evans of Chicago.

Among the subjects and speakers were: Daniel H. Burnham, Chicago, and Richard B. Watrous, secretary, American Civic Association, Washington, D. C., on city planning; Miss Julia Lathrop, Chicago, on woman and the municipality; Bion J. Arnold, Chicago, public utilities; Hon. Lawson Purdy, Commissioner of Taxes and Assessments, New York City, Taxation; Hon. Emil Seidel, Mayor of Milwaukee—the city for the people (Municipal Socialism); and Benjamin C. Marsh, executive secretary, Committee on Congestion of Population in New York—the city for the people (Good Housing at Reasonable Rents).

It is a matter of great regret that the management did not interest a larger number of people in the Congress and Exposition, for it had possibilities for much needed popular education in the business and functions of municipal government.



Civic Secretaries Committee.—The formation of a civic secretaries committee by the National Municipal League brings out clearly the development of a new profession, a new career for capable young men who are desirous of devoting themselves to public work and at the same time earning a livelihood. Just as the charity organizations and the business associations have come to realize the need of professionally trained secretaries so the lengthening list of city clubs, municipal leagues and civic federations have come to realize that they cannot depend upon spasmodic, voluntary effort if they are to amount to anything in the community. There was a time when enthusiasts felt that all that was really needed to change conditions was to form a league or an association, adopt a platform that ran "trippingly from the tongue," raise a few war whoops

and the "trick was done." Now everyone knows better. Civic work like every other endeavor dealing with human beings and human problems must be carefully thought out and deliberately planned. So our cities are coming to be served by a group of voluntary bodies which, guided by thoughtful and efficient men, are contributing largely to the solution of difficult municipal problems. The City Clubs of Boston, New York, Philadelphia, Chicago and Kansas City are a quintette of organizations serving as nuclei around which city-wide movements have been formed and are forming. Their activities call for high grade civic secretarial work. The voters' leagues likewise require men of judgment and discernment, courage and foresight. There are improvement associations and civic commissions and federations and sundry other bodies all manned by those who may be reasonably termed "civic experts." Moreover business bodies are coming to retain civic secretaries to look after their increasing civic activities. The National Municipal League's Committee is only a year old, but already its membership exceeds forty, which is an encouraging evidence of growth in this "new profession." Reports, advice and suggestions are freely exchanged by the members for the benefit of all; but above all it promotes an *esprit du corps* on civic affairs that promises to be of the largest usefulness in the civic movement.¹



Commission Government Conference.—The third conference of the Commission Government Association of New York State was held in New York, on Friday, October 13, "an unlucky day for the opposition" as was stated in the notice of the meeting. There are now thirty-three cities with representatives on the advisory board of this association, viz.: Albany, Amsterdam, Auburn, Batavia, Buffalo, Cohoes, Corning, Dansville, Elmira, Fishkill, Fulton, Geneva, Ithaca, Jamestown, Johns-

¹ From Professor Murray Gross.

town, Lockport, Mt. Vernon, Niagara Falls, North Tonawanda, Ogdensburg, Olean, Ossining, Oswego, Poughkeepsie, Rochester, Schenectady, Seneca Falls, Syracuse, Troy, Utica, Watertown, White Plains and Yonkers.

Of the three cities of the first-class, two, Buffalo and Rochester, have local commission government associations. Of the six cities of the second-class, four have local associations. Of the forty cities of the third-class, Mt. Vernon and Watertown have local associations, many have city committees, and all with the exception of four, are evidencing a strong interest in the movement. Twenty-six of the large villages also desire commission government.

The legislature of New York State has fought all efforts along this line of municipal reform, especially the initiative, referendum and recall. In 1910, two commission charters presented were, Batavia and Buffalo. They received scant courtesy, neither bill being reported out of committee. To the last legislature, recently adjourned, charters on the commission plan were presented by Batavia, Buffalo, Fishkill-Matteawan (uniting as Beacon), Lockport, Mt. Vernon, Ossining, Saratoga and Yonkers. On March 28, at a joint hearing of the cities committees, citizens from all over the State, individually and as delegates from boards of trade, local commission associations and civic clubs, including a delegation of one hundred from Buffalo on a special train, standing for the principle of home-rule, pleaded strenuously for five hours in behalf of these bills, but to no avail. The Buffalo bill, introduced simultaneously in both houses, on which the main fight was made, was defeated by the Assembly on June 6 by a vote of 71 against to 53 for. The senate, after striking out the initiative, referendum and recall, passed the bill; but it went from there to the Assembly only to be rejected again, this time the vote being 44 against, 58 for, as 76 votes were necessary for passage. Many of the Assembly-

men "ducked" this vote. The Mt. Vernon bill received the same treatment. The Beacon bill, shorn of initiative, referendum, recall and its non-partisan nomination and election features, was passed by both houses only to be vetoed by Governor Dix on the ground that a general third-class city charter would probably be passed at the next session of the legislature.

The conference decided to incorporate the State association.

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Special Libraries Association.—The annual meeting was held in New York City, September 26 and 27. The attendance consisted mostly of representatives of office libraries, special technical libraries and municipal and legislative libraries. The third session was devoted to public affairs libraries. M. S. Dudgeon, secretary of the Wisconsin free library commission, discussed the qualifications of legislative and municipal reference librarians. Horace E. Flack, legislative reference librarian of Baltimore, spoke on the present status of municipal reference and Clinton Rogers Woodruff, secretary of the National Municipal League, gave an address on "Sources of municipal material with special reference to the establishment of a clearing house for such material." John A. Lapp, legislative reference librarian, Indiana, submitted an interesting report as chairman of the committee on a public affairs index. The discussion following the formal addresses was very interesting and was participated in by Clarence B. Lester, legislative reference librarian, New York; H. H. B. Meyer, chief bibliographer, Library of Congress; H. O. Brigham, state librarian, Rhode Island; Chas. F. Belden, state librarian, Massachusetts, and C. W. Andrews, librarian, John Crerar Library, Chicago. The discussion in relation to the qualifications of legislative and municipal librarians was particularly valuable. The recent report of the committee on municipal reference libraries of the National Muni-

cial League was referred to with approval. This report states that the qualifications of the head of a municipal reference library should include "a liberal education, or with special training in political science, economics, municipal government and methods of organization and administration." A legislative reference library requires a systematic and intensive organization of material relating to all legislative problems and the preparation of historical, comparative and scientific studies on various problems of legislation. There is usually combined with this the work of bill drafting which requires accurate knowledge of constitutional law and the law of statutory construction and affords an opportunity for real constructive work in the development of new methods of legislation. All this makes the legislative reference department not merely a well organized collection of material but also a research and statistical bureau. Robert H. Whitten, librarian-statistician of the New York public service commission for the New York City district was elected president of the Association.



Conferences on Uniform Accounting.—The Honorable Joseph T. Tracy, in charge of the Ohio bureau of inspection and supervision of public offices, is engaged at the present time in revising the schedules for use in his office. The current year completes ten years' use of the first schedules, and Mr. Tracy and those associated with him desire to make a complete recasting of their schedule so far as the same is necessary to carry out the provisions of the law and to bring their office more into harmony with other state offices of the same character. In the work of preparing these schedules Mr. Tracy has been in correspondence with and coöperating with Mr. F. R. Leach, of the Cincinnati bureau of municipal research, and Mr. U. L. Leonhauser, of the Metz Foundation, New York City. A conference was arranged between Mr. Tracy and these two

gentlemen for October 20 and 21, to which were invited representatives of the Indiana state board of accounts, as well as the bureau of the census. The Indiana office was represented by Mr. W. A. Dehority, state examiner, and one of his assistants, and the bureau of the census was represented by the chief statistician in charge of statistics of cities, Dr. L. G. Powers. The work of the conference carries a step forward the task of harmonizing the census schedules and those of the various state bureaus, that was begun at the conference at the Hotel La Salle in Chicago, September 26, 27 and 28.¹



League of American Municipalities Convention.—The League of American Municipalities consisting of the mayors, and official representatives of various municipalities appointed by the mayors or city councils, held its fifteenth annual convention in Atlanta, Georgia, October 4 to 7. The League maintains a central bureau of information in Detroit for the dissemination of statistical reports and other information and it also issues periodically a Bulletin called the *City Hall* containing the general news of progress in municipal government, particularly on the technical side. The three days' program at Atlanta was given over largely to better accounting systems, efficiency systems for employees and the commission form of government. Practical methods for a business government of cities were the chief topics of the meeting, thus emphasizing the rapid advance being made all over the country in raising the standards of municipal administration, under whatever form of government, through the application of commonsense methods developed under competitive business.

John MacVicar of Des Moines, who for years has been secretary, was elected president and E. R. Schneider, Jr., of Detroit, the secretary of the League of Michigan Municipalities, was chosen to

¹ From Dr. LeGrand Powers.

succeed Mr. MacVicar as secretary. The League has fixed its 1912 meeting for Buffalo.



Convention of Union of Canadian Municipalities.—The Union of Canadian Municipalities held its eleventh annual convention at Quebec, August 29 to 31. The convention was attended chiefly by municipal officials from practically all the Canadian provinces. The Union publishes a monthly journal. Each province in Canada has a union of the cities within its limits which reported at the annual convention. The convention held five sessions, the programs covering a wide range of municipal subjects, chief among them being town planning, congestion, housing and child welfare. Other topics discussed were accounting systems, pure food, pensions for municipal employees, civil service and railroad terminals. The program thus dealt chiefly with the broad social problems of urban communities, rather than with special problems of municipal administration. W. D. Lighthall, K.C., of Montreal, is the honorary secretary of the Union.



City Plan Exhibit.—Providence held in October an interesting city plan exhibit at which were shown comprehensive models and drawings including a particularly striking suggestion for a Hillside Park and Open-air Greek Theatre for the city of Providence itself. The exhibit served a three-fold purpose. It was, in a quiet way, a celebration of the 275th anniversary of the founding of Providence. It showed the development of the city from an architectural point of view, and of course, was intended to stimulate interest in the plan for a comprehensive development of the city. It is the purpose of those interested to secure an official city plan commission. The exhibit was accompanied by several conferences, the chief address being made by Arnold W. Brunner, President of the New York

Chapter of the American Institute of Architects.



Municipal Parliament.—The autumn general meeting of the (British) Association of Municipal Corporations was held in London on October 14. One hundred and thirty-eight municipal corporations were represented by mayors, or town clerks, or both, and in some cases other officers. The meeting discussed chiefly the national insurance bill, the local taxation of the government telephone system, the local income tax, the assessment of railways, milk legislation, and other matters.



News of the State Leagues of Municipalities.—The Kansas League of Municipalities held its third annual convention in Topeka, October 11 and 12. It was attended by about one hundred municipal officials. The city attorneys organized a separate group as an auxiliary to the league. The discussions during the five sessions covered a wide range of subjects. Chas. H. Talbot of the Kansas City municipal reference library spoke of the practical usefulness of such a library to municipal officials. The police problem was generally discussed and the point emphasized that experience with a successful police system had shown that a rating according to the orderly condition of a policeman's "beat" brings better results than any other standard of work. The league recommended the Atchison plan, whereby every policeman knows that if a "joint" or illegal house is allowed to operate on the "beat" without being raided within twenty-four hours, he will be discharged. An interesting feature of the meeting was a paper on what each city has that other cities ought to have, and what each would like to have that it does not now have. The subject of municipal public utilities was discussed in several papers.

The League of California Municipalities held its fourteenth annual convention at Santa Barbara on October 23 with

the largest attendance in its history. The subjects covered a wide range, including municipal experts, municipal efficiency bureaus, municipal utilities, taxation and the commission form of government.

The Mississippi Municipal League met at Vicksburg on October 10 and 11. The subjects discussed were general civic problems rather than the problems of municipal administration itself. Some of the papers were: "State Juvenile Reformatories," "Health and Hygiene," "Commission Government" and "Needed Legislation."

League of Wisconsin Municipalities. A report of the proceedings of the thirteenth annual convention is given in the issue of *The Municipality* for September, 1911. The meeting was held at Superior, Wis., July 26-28, and was attended by nearly two hundred delegates. In addition to the president's address and secretary's report, the proceedings include papers on oiling streets, garbage crematories and municipal reference bureaus, the last by Fred. H. McGregor of the University of Wisconsin, who has been elected secretary of the League of Wisconsin Municipalities.

The League of Nebraska Municipalities held its first annual meeting in Omaha, November 14 and 15. A helpful program of special interest to municipal officials was given including an address on "Purification of Water for city use and Gas Testing." An interesting exchange of courtesies between the Nebraska League and the National Municipal League was one of the features.

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League of Virginia Municipalities Active.—The program of the sixth annual meeting of the League was held at Cape Charles, September 14-15. It showed evidence of the growing impor-

tance of the work undertaken year by year by this League. Advanced views upon such themes as charters, playgrounds, good roads, health, taxation, charities, schools, fire, police and other phases of municipal affairs, were presented by men of prominence and experience, who impressed their ideas so strongly upon the attention of the delegates to the sessions that many of them returned to their cities determined to advocate improved methods of municipal government and realize the aims of the League. A resolution of protest against the proposed amendment to the state constitution intended to give cities home rule was urged on the ground that its provisions were rendered ineffective by the requirement that all charters be such as the state legislature may deem best and make commission form of government impossible by requiring numerous fee officers to be elected by popular vote, and after discussion at length was referred to a special committee.¹

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New Jersey Municipal Clerks.—The municipal clerks who attended the meeting of the finance committee of the Essex Board of Freeholders of Newark, N. J., wound up the session by forming on September 1, the nucleus of a state organization to be known as the "New Jersey County and Municipal Clerks Association," the objects of which will be to "assist the members in the uniform execution of such duties as are intrusted to them and to encourage such legislation as will tend to the better execution of laws that relate to them." No mention of increased pay was made. City Clerk James F. Connelly, of Newark, was made chairman, and Lincoln E. Rowley, of East Orange, secretary.

¹ From Professor Murray Gross.

V. ACADEMIC AND EDUCATIONAL

The St. Louis municipal reference branch of public library was opened to the public on October 23, in the City Hall. This department, conducted as one of the regular branches of the public library system is to be maintained for purposes of municipal research and information. It is the intention to collect and preserve data relative to the government of cities in this country, Canada, and Europe. The municipal assembly feeling the need of some systematic way of securing information upon legislative questions directed in a concurrent resolution that the branch be established, and provided a room for the same near the mayor and the houses of legislation, fully equipped for service. The equipment was furnished out of funds other than the regular library fund and the quarters are cared for by the city. The collecting of material and the administration of the library will be carried on under the supervision of the librarian and the board of directors of the library. The work will be along the same lines as the legislative reference work in the departments now established in many of our State libraries and several of our cities. Though intended primarily to furnish municipal information to the city officials, the branch will give service to other libraries and to persons wishing information concerning the municipal affairs and problems of St. Louis.

The branch has not as yet acquired the control of the exchange of city documents, this matter still resting with the city register who has charge of all surplus documents and ordinances. Eventually it hopes to be made the exchange agency for all public material published by the city. Jesse Cunningham lately of the State library at Albany, has been placed in charge of this department.

St. Louis School of Social Economy is the outgrowth of a series of round table meetings held in 1901-1902 by the

St. Louis Provident Association. Regular class work was not begun until 1907 and then only a fifteen weeks term was given. From year to year the sessions have increased in length until at present the work is continued through the academic year. During its first few years it was an affiliated institution of Missouri University, but in the spring of 1909 the affiliation was transferred to Washington University with which school it is now identified. Graduates of universities and colleges with a recognized good standing are admitted without examination and students in the affiliated university may be admitted to certain courses, credit for such work done being accepted toward a degree in the university. For the successful completion of the work of the school a certificate of graduation is presented. In 1910 the school graduated ten students and ninety-six persons were in attendance.



Publications Combined.—*City Hall* was the title of the official bulletin of the League of American Municipalities, edited by the Hon. John MacVicar, one of the commissioners of Des Moines, Iowa, formerly secretary, now president of the League. In the autumn the *City Hall* was combined with *Midland Municipalities*, which for years had been the official organ, first of the League of Iowa Municipalities, and later of the Kansas and Nebraska Leagues, under the editorship of Frank G. Pierce. The resulting publication is now known as the *City Hall-Midland Municipalities*, and Hon. Frank G. Pierce, former mayor of Marshalltown, Iowa, and for many years the secretary of the Iowa League of Municipalities, is the editor of the new publication, the first number of which appeared in October.



A Politics Laboratory has been established at Columbia University for the use of students and instructors. The

collection of materials contains daily newspapers from different parts of the country; weekly, monthly, and quarterly periodicals; works of reference, the constitutions and statutes of all the States, a practically complete collection of ballots, the slip laws of congress, legislative indexes, reports and documents of various kinds. Emphasis will be laid on municipal government, especially that of New York city. The laboratory has been endowed for two years by Patrick F. McGowan, formerly president of the board of aldermen.

✱

Journal of Criminal Law and Criminology.—The scientific study of police administration, criminology and the whole field of research connected directly and indirectly with the criminal have been enriched by the indefatigable and successful labors of Professor J. W. Garner, the editor of the *Journal of Criminal Law and Criminology*, who has been unfortunately compelled by pressure of academic duties to relinquish his editorial work. This journal which has been only recently founded already ranks with the well known and long established journals on the subject published in Europe.

✱

Twentieth Century Magazine.—Professor Charles Zueblin, formerly of the University of Chicago and author of *American Municipal Progress* and other works on city government, has been appointed Editor of the *Twentieth Century Magazine*, of Boston, succeeding B. O.

Flower in that position. In view of Mr. Zueblin's deep interest in municipal government it may be expected that city affairs will receive under his administration even a larger share of attention in the magazine than hitherto.

✱

The Milwaukee Municipal Institute has been established under the auspices of the extension division of the State University of Wisconsin. It aims to extend study, information and training in social reform, social welfare and municipal efficiency. Lectures, conferences, observation visits, assigned readings and presentation of papers have been drawing large interested audiences and groups of people. The institute promises to be a potent force in the civic awakening of Milwaukee.

✱

A Cuban Review.—The *Gaceta Administrativa* is an illustrated review, published at Havana by José E. Maresma, chief of civil administration at the Cuban capital. It is the official organ of the Consultoria Administrativa, and contains editorial discussions of current problems of Cuban administration, and articles on various topics of interest to the profession.

✱

New Publication.—*Espaces Libres et Jardins Publics* is the title of a new publication, the official organ of the Association technique at Paris, devoted to the study and encouragement of city-planning.

VI. JUDICIAL DECISIONS¹

Bill Boards.—The city of St. Louis adopted an ordinance regulating bill boards, which provided that they should not exceed 14 feet in height or 500 square feet in total area; should have an open space of at least 4 feet from the lower edge to the ground, and should not ap-

proach nearer than 2 feet to another building, or than 6 feet to the lot line, and not be nearer the street than the building line of the lot, nor in any case nearer than 15 feet. The validity of the ordinance is upheld by the supreme court of Missouri (*St. Louis Gunning Advertisement Company v. St. Louis*, 137 S. W., 929).

¹ Prepared by Richard W. Montague, Esq., of the Portland (Ore.) Bar.

Mr. Justice Woodson, who writes the prevailing opinion, discusses the whole subject at length, but with vigor and a most commendable public spirit, as well as with learning. The decision is placed mainly on the ground that bill boards, as a matter of fact, are so constructed as to be a menace in the event of fire or high winds, and that in the nature of things, as built unrestrained by regulations such as those in the ordinance, they are lairs and ambushes for thieves and foot pads, latrines for vagrants, screens for other unlawful acts, and gathering places for deposits of unsanitary filth and rubbish—all of which the evidence in the case showed to be actual conditions in St. Louis. In view of these facts the court held that the ordinance was not an unreasonable regulation, and that it did not deprive the owners of property without compensation nor otherwise than by due process of law, nor deprive them of the equal protection of the law guaranteed by the familiar provisions of the federal constitution preventing these invasions of private right. The court held that prohibiting these structures without a prohibition of similar structure used for other purposes was not class legislation nor otherwise unlawful because there were no similar structures used for other purposes—a view which shows that the robust common sense which makes some of the old English reports such good reading is not wholly lost to the bench in this generation, as the lamentations of certain melancholy persons have assured us. The opinion plants the regulation squarely upon the police power and fully admits that it will not stand if the thing regulated can be shown not to be obnoxious to public health, safety, or morals (though public “comfort” is referred to here as in some of the other decisions) and that if the objections are wholly esthetic they are not sufficient.

In a very strenuous dissenting opinion by Graves, J., it is insisted that the ordinance is invalid “because it strikes at the use of a structure rather than the

character of the structure,” and that “when read as a whole it is apparent from the unreasonable regulations placed that the purpose was the suppression of a lawful business rather than the reasonable regulation of structures.” The temper of the dissenting opinion may be judged from the remark that “it has remained for civic leagues, rather than the courts, to contend that the police power may be extended to pure esthetic considerations.” The decision in all its parts is cordially commended to the draftsmen of legislation on the subject, to whom the REVIEW wishes well. The cause has been removed on writ of error to the Supreme Court of the United States, where in the fulness of time a final decision will be given.

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Initiative and Referendum.—The case of the *Pacific States Telephone and Telegraph Company v. the State of Oregon*, involving the validity of initiative legislation in that commonwealth, was submitted to the Supreme Court of the United States on November 30, together with another Oregon case involving direct legislation of Portland. Briefs were filed by eminent counsel on behalf of the telephone company, which resists in this proceeding the payment of a gross-earnings tax imposed by a law passed by vote of the people of Oregon. For the State a brief was filed by the attorney general, together with an argument by C. E. S. Wood, a distinguished Oregon lawyer and reformer, and W. S. U'Ren, well known as protagonist of the “Oregon system.” George Fred Williams of Massachusetts appeared on behalf of a number of States which have adopted similar constitutional provisions.

The opponents of the law rely chiefly upon the provision of the federal constitution (Section 4, Article IV) guaranteeing to every State a republican form of government. They contend that legislation by the people without the intervention of a legislature is a pure democracy, and that a State government in

which it exists (even, it seems, along with legislation by representatives) is unrepblican. It is also rather subtly argued that taxation in this manner of certain corporations, while other taxpayers are subject only to taxes imposed by the legislative assembly denies to the former the "equal protection of the laws" assured by section 1 of the Fourteenth Amendment.

Among other points made for the State it is urged that the question is political not judicial; that Congress alone has the right to determine whether the form of government of a State is "republican," and having admitted a State, Oklahoma, with this provision in its constitution congress has decided the question. It was also suggested that the guarantee was to the State as a body and not to individual citizens. Incisive questions asked by members of the court of counsel for the opponents of the law indicate that some at least of their arguments will meet with a very searching analysis. The decision, upon the prime importance of which it is not necessary to enlarge, will be discussed in the REVIEW in the next issue after it is handed down.



Recall.—Members of the board of education of Dallas, Texas, who had been superseded by others on a recall election sought to restrain the new board from taking office. They contended that their removal deprived them of property (to wit, the office in question) without due process of law; that it impaired the obligation of a contract; that the recall provision of the charter sought to substitute within the municipality a socialistic and communistic system of government in lieu of a republican form of government; and upon other grounds of less general interest. The court (*Bonner v. Belsterling*, Texas Court Civil Appeals, 137 Southwestern Reporter, 1154) disagreed with all of these arguments. In respect of the property argument it remarked:

The office of member of the board of education of the city of Dallas, is not 'property' within the meaning of that word as used in the State and federal constitutions. Offices are created for the public good, at the will of the legislative power, with such privileges and emoluments attached as are believed to be necessary to make them accomplish the purposes designed . . . The office of member of the board of education of Dallas is property only in the sense that the incumbent is entitled to receive the emoluments of the office so long as he holds the same and until he has ceased to legally occupy the office. But it is not property within the meaning of that word as used in the State and federal constitutions.

The court overruled a previous decision of the Court of Criminal Appeals (*ex parte Farnsworth*, 135 Southwestern Reporter, 535) in which that court had held the initiative and referendum clauses of the Dallas charter unconstitutional, as contrary to the form of government contemplated by the constitution of Texas.



Commission Form of City Government.

—The legislature of the State of Washington at its last session passed an act (Ch. 116, Session Laws, 1911, p. 521) authorizing cities having a population between 2500 and 20,000 to become organized under the commission form as prescribed in the act. The mayor of Walla Walla, which has, or had, to be exact, a population just under 20,000, (*State v. Tausick*, 116 Pac. Rep. 651). The objections to the validity of this act were chiefly of a highly technical character. It was contended that the law was private and special because it made a new classification of cities. To this the court replied that judicial notice would be taken that many cities in the State came between the limits of population as required by the act, and a mandamus was granted by the court of first instance and sustained in the supreme court refused to call an election on petition prescribed. It was also held that the fact that the act was made effective

only when adopted by the particular municipality did not make it special legislation. Walla Walla has since elected a commission of high quality and gone to work under the new form. Two of the three largest cities in the State, Spokane and Tacoma, have also special charters of a commission form.

Commission charters of a number of cities in Oklahoma have been held invalid but the grounds are irregularities

in the procedure for adoption, not in the charters themselves.

A cause is pending in the supreme court of Illinois wherein the validity of the act of that State empowering cities to adopt a commission form of government is questioned. The principal points involved will probably be decided in the opinion of the Supreme Court of the United States in the Oregon case above referred to.

VII. SOCIAL AND MISCELLANEOUS

Street Car Meters.—At the conference of the Municipal Tramways Association of Great Britain, an interesting paper was presented by Messrs. R. G. Cunliffe and J. G. Cunliffe, of Manchester, setting forth the results of their experiments carried out under actual working conditions with the more improved types of tram-car meters. They said that on small undertakings with light traffic, approximately equal savings could be effected by the use of meters in the driving and in the detection of faulty equipments, but as congestion of traffic increased, the condition of the equipment became of increasing importance, especially in regard to the feeding and distributing system, where the losses are a fraction of the total energy consumption, and do not merely affect the consumption of individual cars. The saving effected in "driving" results from the increasing care and skill on the part of the motormen in operating their cars. Only one delegate to the conference opposed the use of meters. He objected to them on the ground that their use tended to encourage motormen towards dangerous speeds and jerky starts and finishes. The Messrs. Cunliffe stated that at Bury, under the most favorable conditions, a reduction of 21.79 per cent had been made in the energy consumed, corresponding to a saving of 141.6 per meter per annum. They found, however, that this result had been obtained only by the most unremitting attention on the part of the superintendent and his staff, more

supervision and time being devoted to the subject than would be possible in the case of larger systems. They found that on nineteen tramway systems furnishing complete returns, the average saving resulting from the installation of car meters had amounted to £22.66 per meter per annum.

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Investigating Municipal Affairs in Chicago.—Reports of the Citizens' Association and the Civic Federation of Chicago issued during October indicate that both organizations are actively at work coöperating to improve municipal conditions. A six months' investigation of the amicable settlements of track-elevation claims against the city was the principal work of the association during the year and its report showed that in many instances heavy damages were allowed by the city authorities to the owners of buildings which had been erected after the passage of the track elevation ordinances. As a result of the findings of the association, all track elevation claims have been since settled on their merits by trial before courts and juries. The association also made a report on the lighting of the city in which it is asserted that Chicago is one of the best and most cheaply lighted cities in the world. In an arrangement with the sanitary district, the city will have in operation within the next four years 10,000 additional lights at a cost of electric current delivered to the city

circuits of \$15 per horse power per year. At the annual election last fall, George E. Cole was chosen president, and Shelby M. Singleton, secretary.

The Civic Federation has been conducting a vigorous campaign for tax reform and has appointed a committee to work for a corrupt practices act and the facilitation of impeachment. H. M. Bylesby was reelected president and Douglas Sutherland, secretary.

*

Negro Agencies Unite.—With the object of carrying on constructive and meliorative social work among negroes, improving their social and economic conditions in urban districts, bringing about coördination and coöperation between existing agencies working in the interests of the negroes, and making such studies in cities as may be required for the carrying out of its plans, the National League on Urban Conditions among Negroes was formed last fall by the consolidation of three organizations—the Committee for Improving the Industrial Conditions of Negroes in New York, the National League for the Protection of Colored Women, and the Committee on Urban Conditions among Negroes. Professor E. R. A. Seligman is chairman of the new league, and Edward E. Pratt, secretary.

*

Philanthropic Center in Philadelphia.—In execution of the social program adopted at Arden last spring, the philanthropic societies and relief organizations of Philadelphia are energetically pushing a project for a charities building. With this end in view, the associations, which include the Children's Aid Society, the Philadelphia Society for Organizing Charity, the Pennsylvania Society to Protect Children from Cruelty, the Seybert Institution, the Joint Shelter for Children, the Bureau for Registration and Exchange of Confidential Information, the Philadelphia Training School for Social Work, and others have

taken temporary quarters at 415-19 South Fifteenth Street, which has been fitted up to provide the associations with offices, a common telephone exchange and a joint application bureau for the assignment of cases.

*

Detroit Campaigning for Better Housing.—Through the Detroit housing commission, of which Mr. Luther Lovejoy is secretary, the board of commerce of Detroit is carrying on an aggressive campaign for a cleaner city and better housing. The commission is vigorously and constantly inspecting new and old tenements, lodging houses and even detached homes and reporting violations of the building laws to the Building Department upon which it brings sufficient pressure to secure a proper enforcement of the laws. By acting as a clearing house for complaints regarding housing conditions, the commission is an efficient agency in the affairs of the city.

*

Chicago Treasurers to Face Charge.—Suits to recover about \$500,000 from former Cook County treasurers have been instituted by the county board. Charges are made that the county treasurers illegally appropriated interest on the public funds, retained commissions upon inheritance taxes collected during their term of office, and failed to pay into the general fund of Cook County compensation received as ex officio town collectors of the seven towns in the city of Chicago. Gustavus T. Tatge, a former county attorney, has been named as special attorney for the county.

*

A "Lexow" Investigation in Albany.—During the closing days of the New York State legislature, a committee of the senate was appointed to investigate conditions in the city of Albany, and James W. Osborne, of New York City, was named as counsel to the investigating committee. Public sessions of the

committee were held in October and November and many matters reflecting discredit upon "machine" management of the city have been disclosed, but apparently without any effect upon the elections.

*

Public Entertainment of Strangers.—A unique difficulty confronts the government of Oakland, Cal. A feature of the commission government charter, which went into effect in that city a few months ago, provides a fund by means of a tax for advertising the city and entertaining visitors which will amount to about \$30,000 a year. The city fathers are considerably puzzled to know how far to go in official hospitality to strangers within the gates of the city.

*

The Social Evil in Kansas City.—Investigation of the social evil in Kansas City was made last spring by the research bureau of the board of public welfare and the results of the investigation were published in a comprehensive report issued by the board in November. The report concludes: "Surely it is time that vigorous measures be taken to check an evil which is of such great injury to the very life and fibre of this community."

*

Child Welfare.—During November and December, a series of child welfare conferences and exhibits were held in Kansas City, New York, Philadelphia, Chicago and other cities to consider plans to give every child under urban conditions the best opportunity for physical, mental and moral development.

The Civic League of St. Louis has published a directory of the civic organizations of that city, giving information as to the objects, meetings, membership, dues and officers of the respective societies.

*

San Francisco uses lantern slides to show graphically to the citizens what the government is doing through its various departments. The slides constitute an enlightening lesson in the work of the city, and the effort in publicity which they represent contains the germ of an idea that might be effectively developed in many directions.

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The mayor of Boston has renewed his efforts to secure legislation permitting municipalities to impose an unearned increment tax, and the New York congestion committee will renew its campaign in the legislature for its proposal to throw the burden of taxation upon land rather than upon improvements.

*

Survey of Lowell.—Dr. George F. Kenngott has just completed a social survey of Lowell, Mass., which is published by the Macmillan Company. The volume shows the economic transformation of a New England town and contains material of great value to the students of modern social conditions.

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M. N. Baker, Editor of the *Engineering News*, has been elected chairman of the executive committee of the National Municipal League.

RECENT ARTICLES IN PERIODICALS OF MUNICIPAL INTEREST

GENERAL

- EASTMAN, MAX. The Unlimited Franchise, *Atlantic Monthly*, July. (A paper filled with irrepressible hope for the ultimate success of democracy.)
- HENDRICK, BURTON J. "Statement No. 1," *McClure's*, September. (Describes the Oregon legislature and the election of United States senators.)
- MACDERMOTT, W. R. A Plea for the Efficient Organization of Local Administration, *Westminster Review*, October. (Pictures the lack of cooperation in different administrative departments in English local government.)

COMMISSION GOVERNMENT

- JONES, WILLIAM C. A Model Municipal Charter, *Independent*, September 14. (An outline of the Berkeley charter.)
- OYEN, HENRY. The Awakening of the Cities, *World's Work*, September. (A comparative study of the charters of Des Moines, Dallas, Kansas City, Grand Rapids and Staunton.)
- WELLIVER, JUDSON C. The Onward Sweep of City Government by Commission, *Munsey's*, August.

ACCOUNTING

- FETHERTON, J. T. Street Cleaning Records, *Municipal Journal and Engineering*, October 18. (Discusses Mr. Meyer's articles.)
- MEYER, ERNST C. Street Cleaning Accounting, *Municipal Journal and Engineering*, September 6 and 13, and October 4 and 11.
- MEYER, ERNST C. Physical Records of Municipalities, *Municipal Journal and Engineering*, October 4. (In these five articles Mr. Meyer presents the necessity of recording the per unit cost of various services in order to estimate their relative economy. One of the papers gives a model standard form for reporting and accounting.)
- SANDS, HERBERT L. Accounting and Efficiency, *Municipal Journal and Engineering*, November 1. (A discursive paper showing the relation

between per unit cost and scientific budget making.)

MUNICIPAL LODGING HOUSES

- BROWN, EDWIN A. Living with the Homeless, *World To-Day*, July.

CITY PLANNING

- OYEN, HENRY. The Awakening of the Cities, *World's Work*, July. (Sketchy survey of city planning in American cities.)
- ROBINSON, CHARLES M. Civic Art, *Architectural Record*, November. (A review of Thomas H. Mawson's "Civic Art: Studies in Town Planning.")
- SCHUYLER, MONTGOMERY. The Building of Pittsburgh, *Architectural Record*, September.

COMFORT STATIONS

- CONNELLY, EDWARD E. Comfort Station at Trenton, *Municipal Journal and Engineering*, November 8.

FINANCE

- JOHNSON, TOM L. The Inequalities of Taxation, *Hampton's*, August. (This paper published posthumously gives Mr. Johnson's struggles in Ohio for greater equality in taxation.)
- New York Municipal Budget Exhibit, *Municipal Journal and Engineering*, October 18.
- WADE HERBERT T. The New York Budget Exhibit, *American Review of Reviews*, November.

FIRE

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